

**SAN LUIS OBISPO PLANNING DEPARTMENT HEARING MINUTES FOR THE MEETING
OF
Friday, July 19, 2019**

Minutes of the Regular Meeting of the County Planning Department Hearings held in the Board of Supervisors Chambers, County Government Center, San Luis Obispo, California, at 9:00 a.m.

The meeting is called to order at 9:00 a.m. by **Matt Janssen, Hearing Officer**.

The following action minutes are listed as they were acted upon by the Hearing Officer of the Planning Department Hearings and as listed on the agenda for the Regular Meeting of , together with the maps and staff reports attached thereto and incorporated therein by reference.

HEARINGS ARE ADVERTISED FOR 9:00 A.M. THIS TIME IS ONLY AN ESTIMATE AND IS NOT TO BE CONSIDERED AS TIME GUARANTEED. THE PUBLIC AND APPLICANTS ARE ADVISED TO ARRIVE EARLY.

Matt Janssen, Hearing Officer: opens meeting.

PUBLIC COMMENT PERIOD

Members of the public wishing to address the Planning Department Hearing Officer on consent agenda items and matters other than hearing items may do so at this time, when recognized by the Hearing Officer. Presentations are limited to three minutes per individual.

Matt Janssen, Hearing Officer: opens and closes public comment with no one coming forward.

CONSENT AGENDA

Unless pulled from the consent agenda by the Planning Department Hearing Officer for separate action, the following items will be acted on collectively because individual public hearings were not requested or required pursuant to Land Use Ordinance Section 22.062.050B.4.b. or Coastal Zone Land Use Ordinance Sections 23.02.033b.(2)(ii) and 23.02.033b.(4)(ii):

3. June 7, 2019 PDH Minutes

Thereafter, on motion of the hearing officer, the Minutes of June 7, 2019 are received and filed as recommended and are on file at the office of the Department of Planning and Building.

4. June 21, 2019 PDH Minutes

Thereafter, on motion of the hearing officer, the Minutes of June 21, 2019 are received and filed as recommended and are on file at the office of the Department of Planning and Building.

5. A request by **Tablas Creek Vineyard for a Minor Use Permit (DRC2019-00035)** to allow the expansion of a previously approved 17,000-square-foot wine processing facility and an approximately 2,300-square-foot tasting room. The proposed expansion would allow the phased construction of a 9,000-square-foot wine case good storage building at full buildout. The project will result in the disturbance of approximately 1.2 acres (including access

improvements) on a 110-acre parcel. No changes to annual case production is proposed. The proposed project is within the Agriculture land use category and is located at 9339 Adelaida Road, approximately 11 miles west of the City of Paso Robles. The project site is in the Adelaida Sub Area of the North County Planning Area. Also to be considered is the environmental determination that the project is categorically exempt under CEQA, pursuant to CEQA Guidelines Section 15061(b)(2). A Notice of Exemption has been prepared pursuant to CEQA Guidelines Section 15062.

County File Number: DRC2019-00035
Supervisory District: 1
Project Manager: Young Choi

Assessor Parcel Number: 014-331-010
Date Accepted: June 4, 2019
Recommendation: Approval

Thereafter, on motion of the hearing officer, the request by Tablas Creek Vineyard for a Minor Use Permit (DRC2019-00035) is granted based on the Findings A. through F. and subject to the Findings 1 through 23 in Exhibit B.

6. A request by **Ormonde Properties for a Minor Use Permit (DRC2014-00084)** to allow the construction of a new 17,458 square foot truck sales and service facility including truck service and maintenance area, parts, office, and 24,000 square feet of outdoor storage. The project will result in the disturbance of approximately 2 acres on a 4.17-acre parcel. The proposed project is within the Commercial Service land use category and is located at the northwest corner of the intersection of Wellsona Road and Benton Road, approximately three miles north of the City of Paso Robles. The site is located in the Salinas River Sub Area in the North County Planning Area. . Also to be considered is the environmental determination. The Environmental Coordinator finds that the previously adopted Mitigated Negative Declaration is adequate for the purposes of compliance with CEQA because no substantial changes are proposed in the project which will require major revision of the previous Mitigated Negative Declaration, no substantial changes occur with respect to the circumstance under which the project is undertaken which will require major revision of the previous Mitigated Negative Declaration, and no new information of substantial importance has been identified which was not known at the time that the previous Negative Declaration was adopted.

County File Number: DRC2014-00084
Supervisory District: 1
Project Manager: Brian Pedrotti

Assessor Parcel Number: 027-321-027
Date Accepted: May 4, 2019
Recommendation: Approval

Thereafter, on motion of the hearing officer, the request by Ormonde Properties (DRC2014-00084) for a Minor Use Permit (DRC2019-00035) is granted based on the Findings A. through F. and subject to the Findings 1 through 41 in Exhibit B.

7. A request by **SLOCAL Roots Farms, LLC/Austen Connella for a Minor Use Permit (DRC2018-00045)** to establish 15,700 square feet of indoor cannabis cultivation and 6,690 square feet of outdoor cultivation on two parcels totaling 60 acres. Project development includes the construction of five new greenhouses totaling 15,700 square feet, a 1,000-square-foot building for processing, and a 200-square-foot cold storage area. A modification from the fencing standards set forth in Section 22.40.050.D.6 of the County's Land Use Ordinance (LUO) is requested; a modification from the setback standards set forth in Section 22.40.050.D.3.b of the County's LUO is requested to reduce the setback from 300 feet to 250 feet from the southern property line; and, a modification from the parking standards set forth in Section 22.18.050.C.1 of the County's LUO is requested to reduce the required number of parking spaces onsite from 34 to 11. The project site is located at 7731 Suey Creek Road in the South County Inland Sub

Area of the South County Planning Area. Also to be considered at the hearing will be adoption of the Environmental Document prepared for the item. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on May 6, 2019 for this project. Mitigation measures are proposed to address Biological Resources and are included as conditions of approval.

County File Number: DRC2018-00045

Assessor Parcel Number(s): 048-151-059, 048-151-031

Supervisory District: 4

Project Manager: Megan Martin

Date Accepted: February 15, 2019

Recommendation: Approval

Thereafter, on motion of the hearing officer, the request by SLOCAL Roots Farms, LLC/Austen Connella for a Minor Use Permit (DRC2018-00045) for a Minor Use Permit (DRC2019-00035) is granted based on the Findings A. through N. and subject to the Findings 1 through 57 in Exhibit B.

HEARING ITEMS

8. A continued hearing (from April 19, 2019) to consider a request by **Sandy Bean** for a Minor Use Permit/Coastal Development Permit (DRC2016-00112) to allow the establishment of a temporary off-site construction yard to be used for unidentified local projects. The project will result in the disturbance of the entire 1.2-acre parcel. The proposed project is within the Office and Professional land use category and is located at the northeast corner of Los Olivos Avenue and Fairchild Way, in the community of Los Osos, in the Estero Planning area. Also to be considered is the environmental determination that the project is categorically exempt under CEQA, pursuant to CEQA Guidelines Section 15061(b)(2). A Notice of Exemption has been prepared pursuant to CEQA Guidelines Section 15062.

County File Number: DRC2016-00112

Supervisory District: 2

Project Manager: Kerry Brown

Assessor Parcel Numbers: 074-293-015

Date Accepted: February 15, 2019

Recommendation: Continue to August 16, 2019

Thereafter, on motion of the hearing officer, the request by Sandy Bean for a Minor Use Permit / Coastal Development Permit (DRC2016-00112) is continued to August 16, 2019 Planning Department Hearing.

ADJOURNMENT

Next Scheduled Meeting: August 2, 2019, in the County Board of Supervisors Chambers, County Government Center, San Luis Obispo, CA.

Daniela Chavez, Secretary
Planning Department Hearings

Minutes will be Received and Filed at the May 1, 2020 Planning Department Hearing Meeting.

**SAN LUIS OBISPO PLANNING DEPARTMENT HEARING MINUTES FOR THE MEETING OF
Friday, August 2, 2019**

Minutes of the Regular Meeting of the County Planning Department Hearings held in the Board of Supervisors Chambers, County Government Center, San Luis Obispo, California, at 9:00 a.m.

The meeting is called to order at 9:00 a.m. by **Ryan Foster, Hearing Officer.**

The following action minutes are listed as they were acted upon by the Hearing Officer of the Planning Department Hearings and as listed on the agenda for the Regular Meeting of , together with the maps and staff reports attached thereto and incorporated therein by reference.

HEARINGS ARE ADVERTISED FOR 9:00 A.M. THIS TIME IS ONLY AN ESTIMATE AND IS NOT TO BE CONSIDERED AS TIME GUARANTEED. THE PUBLIC AND APPLICANTS ARE ADVISED TO ARRIVE EARLY.

Ryan Foster, Hearing Officer: opens meeting.

PUBLIC COMMENT PERIOD

Members of the public wishing to address the Planning Department Hearing Officer on consent agenda items and matters other than hearing items may do so at this time, when recognized by the Hearing Officer. Presentations are limited to three minutes per individual.

CONSENT AGENDA

Unless pulled from the consent agenda by the Planning Department Hearing Officer for separate action, the following items will be acted on collectively because individual public hearings were not requested or required pursuant to Land Use Ordinance Section 22.062.050B.4.b. or Coastal Zone Land Use Ordinance Sections 23.02.033b.(2)(ii) and 23.02.033b.(4)(ii):

Ryan Foster, Hearing Officer: opens and closes public comment with no one coming forward.

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- 3.** A request by **Sean & Kim Anglin** for a Minor Use Permit/Coastal Development Permit (DRC2018-00122) to allow for the construction of a 500-square-foot detached garage. The project will result in the disturbance of approximately 600 square feet on a 7,000-square-foot parcel. The proposed project is within the Residential Single-Family land use category and is located at 2455 Pierce Avenue, within the community of Cambria. The site is in the North Coast Planning Area. Also to be considered is the environmental determination that the project is categorically exempt under CEQA, pursuant to CEQA Guidelines Section 15061(b)(2). A Notice of Exemption has been prepared pursuant to CEQA Guidelines Section 15062.

County File Number: DRC2018-00122

Assessor Parcel Number: 023-363-031

Supervisory District: 2

Date Accepted: June 13, 2019

Project Manager: Cody Scheel

Recommendation: Continue to August 16, 2019

Thereafter, on motion of the hearing officer, the request by Sean and Kim Anglin for a Minor Use Permit / Coastal Development Permit (DRC2018-00122) is continued to September 6, 2019 Planning Department Hearing.

4. A request by **Edward and Cathryn Joiner** for a Minor Use Permit/Coastal Development Permit (DRC2018-00166) to allow for the construction of a 445-square-foot addition to an existing single-family residence, a 625-square-foot detached single-car garage and 183-square-foot deck addition to the rear of the existing residence. The project will result in the disturbance of approximately 1,070 square feet on the 0.24-acre parcel. The proposed project is in the Residential Single-Family land use category and is located at 1931 Downing Avenue within the community of Cambria. The site is located in the North Coast Planning Area. Also to be considered is the environmental determination that the project is categorically exempt under CEQA, pursuant to CEQA Guidelines Section 15061(b)(2). A Notice of Exemption has been prepared pursuant to CEQA Guidelines Section 15062.

County File Number: DRC2018-00166

Assessor Parcel Number: 024-021-049

Supervisory District: 2

Date Accepted: June 24, 2019

Project Manager: Katie Nall

Recommendation: Approval

Thereafter, on motion of the hearing officer, the request by Edward and Cathryn Joiner for a Minor Use Permit / Coastal Development Permit (DRC2018-00166) is granted based on the Findings A. through G. in Exhibit A and subject to the Conditions 1 through 31 in Exhibit B.

HEARING ITEMS

5. Hearing to consider a request by Michael Bergquist for a Lot Line Adjustment (SUB2019-00001 / COAL18-0145) to allow an adjustment of the lot lines between two (2) existing parcels of 1.70 acres and 2.24 acres each (including three Assessor Parcel Numbers comprised of two legal lots). The adjustment will result in two (2) parcels of 2.20 acres and 1.74 acres each. The adjustment will not result in the creation of any additional parcels. The proposed adjustment is within the Residential Suburban land use category and is located on the northern corner of County Oak Way and Lopez Drive. The site is located in the South County Planning Area, within the San Luis Bay Inland Sub Area. Also to be considered is the environmental determination that the project is categorically exempt under CEQA, pursuant to CEQA Guidelines Section 15061(b)(2). A Notice of Exemption has been prepared pursuant to CEQA Guidelines Section 15062.

County File Number: SUB2019-00001

Assessor Parcel Number: 047-182-023; 047-182-041; 047-182-033

Supervisory District: 3

Date Accepted: June 25, 2019

Project Manager: Katie Nall

Recommendation: Approval

Katie Nall, Project Manager: presents staff report via PowerPoint.

Ryan Foster, Hearing Officer: opens public comment

Edward Rambuski, Agent: speaks

Ryan Foster, Hearing Officer: closes public comment

Thereafter, on motion of the hearing officer, the request by Michael Bergquist for a Lot Line Adjustment (SUB2019-00001/ COAL18-0145) is granted based on the Findings A. through B. in Exhibit A and subject to the Conditions 1 through 10 in Exhibit B.

6. A request by **John Swift** for a Minor Use Permit/Coastal Development Permit (DRC2019-00013) to allow for the construction of a 2,944-square-foot, two-story single-family residence with an attached 2-car garage. The project will result in the disturbance of the entire 8,029-square-foot parcel. The proposed project is within the Residential Single-Family land use category and is located directly east of 5752 Moonstone Beach Drive in the community of Cambria. The site is in the North Coast Planning Area. Also to be considered is the environmental determination that the project is categorically exempt under CEQA, pursuant to CEQA Guidelines Section 15061(b)(2). A Notice of Exemption has been prepared pursuant to CEQA Guidelines Section 15062.

County File Number: DRC2019-00013 Assessor Parcel Number: 022-053-041
Supervisory District: 2 Date Accepted: April 12, 2019
Project Manager: Katie Nall **Recommendation: Approval**

Katie Nall, Project Manager: presents staff report via PowerPoint.

Ryan Foster, Hearing Officer: speaks and opens public comment.

Mike Lyons, Mary Webb, Christine Heinrichs and Jeremy Heidrick: speak

Ryan Foster, Hearing Officer: closes public comment

Katie Nall, Project Manager: speaks

Thereafter, on motion of the hearing officer, the request by John Swift for a Minor Use Permit/Coastal Development Permit (DRC2019-00013) is granted based on the Findings A. through H. in Exhibit A and subject to the Conditions 1 through 19 in Exhibit B.

ADJOURNMENT

Next Scheduled Meeting: August 16, 2019, in the County Board of Supervisors Chambers, County Government Center, San Luis Obispo, CA.

Daniela Chavez, Secretary
Planning Department Hearings

Minutes will be Received and Filed at the May 1, 2020 Planning Department Hearing Meeting.

**SAN LUIS OBISPO PLANNING DEPARTMENT HEARING MINUTES FOR THE MEETING
OF
Friday, August 16, 2019**

Minutes of the Regular Meeting of the County Planning Department Hearings held in the Board of Supervisors Chambers, County Government Center, San Luis Obispo, California, at 9:00 a.m.

The meeting is called to order at 9:00 a.m. by **Matt Janssen, Hearing Officer.**

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Matt Janssen, Hearing Officer: opens meeting

PUBLIC COMMENT PERIOD

1. Members of the public wishing to address the Planning Department Hearing Officer on consent agenda items and matters other than hearing items may do so at this time, when recognized by the Hearing Officer. Presentations are limited to three minutes per individual.

Matt Janssen, Hearing Officer: opens public comment

Robert Toiln: speaks

Matt Janssen, Hearing Officer: closes public comment

CONSENT AGENDA

2. Unless pulled from the consent agenda by the Planning Department Hearing Officer for separate action, the following items will be acted on collectively because individual public hearings were not requested or required pursuant to Land Use Ordinance Section 22.062.050B.4.b. or Coastal Zone Land Use Ordinance Sections 23.02.033b.(2)(ii) and 23.02.033b.(4)(ii):

3. A request by **Lena Callery** for a Minor Use Permit (DRC2018-00189) to allow for the construction of a 551-square-foot guesthouse that will be attached to a 1,178-square-foot garage/workshop. The applicant is requesting a modification of the distance requirement that a guesthouse can be located from a primary residence from 50 feet to 150 feet. The project would result in the disturbance of approximately 0.19 acres of a 2-acre parcel. The proposed project is within the Residential Suburban land use category, and is located at 4170 Whispering Oak Way, approximately 4.5 miles east of the City of Paso Robles. The site is in the Salinas River Sub Area of the North County Planning Area. Also to be considered at the hearing will be adoption of the Environmental Document prepared for the item. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has

been issued on July 3, 2019 for this project. Mitigation measures are proposed to address Biological Resources and are included as conditions of approval.

County File Number: DRC2018-00189

Supervisory District: 1

Project Manager: Holly Phipps

Assessor Parcel Number: 015-082-022

Date Accepted: January 2, 2019

Recommendation: Approval

Thereafter, on motion of the hearing officer, the request by Lena Callery for a Minor Use Permit (DRC2018-00189) is granted based on the Findings A. through G. in Exhibit A and subject to the Conditions 1 through 29 in Exhibit B.

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4. A request by **Norman Pulido** for a Minor Use Permit/Coastal Development Permit (DRC2019-00037) to allow an existing single-family residence to be used as a residential vacation rental. The proposed project is within the Residential Single-Family land use category and is located at 1443 7th Street, in the community of Los Osos. The site is in the Estero Planning Area. Also to be considered is the environmental determination that the project is categorically exempt under CEQA, pursuant to CEQA Guidelines Section 15061(b)(2). A Notice of Exemption has been prepared pursuant to CEQA Guidelines Section 15062.

County File Number: DRC2019-00037

Supervisory District: 2

Project Manager: Sara Sanders

Assessor Parcel Number: 038-281-028

Date Accepted: April 19, 2019

Recommendation: Approval

Thereafter, on motion of the hearing officer, the request by Norman Pulido for a Minor Use Permit/Coastal Development Permit (DRC2019-00037) is granted based on the Findings A. through F. in Exhibit A and subject to the Conditions 1 through 13 in Exhibit B.

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5. A request by **John Russell** for a Minor Use Permit/Coastal Development Permit (DRC2019-00094) to allow for the construction of a detached 448-square-foot garage. The project will result in the disturbance of approximately 468 square feet of the 1.46-acre parcel. The proposed project is within the Residential Multi-Family land use category and is located at 555 Pico Avenue in the village of San Simeon. The site is located in the North Coast Planning Area. Also to be considered is the environmental determination that the project is categorically exempt under CEQA, pursuant to CEQA Guidelines Section 15061(b)(2). A Notice of Exemption has been prepared pursuant to CEQA Guidelines Section 15062.

County File Number: DRC2019-00094

Supervisory District: 2

Project Manager: Jillian Ferguson

Assessor Parcel Number: 013-041-016

Date Accepted: June 6, 2019

Recommendation: Approval

Thereafter, on motion of the hearing officer, the request by John Russell for a Minor Use Permit/Coastal Development Permit (DRC2019-00094) is granted based on the Findings A. through F. in Exhibit A and subject to the Conditions 1 through 13 in Exhibit B.

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6. A request by **John Dysland** for a Minor Use Permit/Coastal Development Permit (DRC2019-00080) to allow for the construction of an amateur radio antenna support structure including

an approximately 35-foot-tall “crank up” telescoping lattice tower on a concrete base mount. The project will result in the disturbance of approximately 20 square feet of a 4,380-square-foot parcel. The proposed project is within the Residential Single-Family land use category and is located at 2116 Bush Drive in the community of Los Osos. The site is in the Estero Planning Area. Also to be considered is the environmental determination that the project is categorically exempt under CEQA, pursuant to CEQA Guidelines Section 15061(b)(2). A Notice of Exemption has been prepared pursuant to CEQA Guidelines Section 15062.

County File Number: DRC2019-00080
Supervisory District: 2
Project Manager: Emi Sugiyama

Assessor Parcel Number: 074-242-041
Date Accepted: May 30, 2019
Recommendation: Approval

Thereafter, on motion of the hearing officer, the request by John Russell for a Minor Use Permit/Coastal Development Permit (DRC2019-00094) is granted based on the Findings A. through H. in Exhibit A and subject to the Conditions 1 through 14 in Exhibit B.

7. A request by **Nikola and Stefia Cimbur** for a Minor Use Permit (DRC2019-00038) to allow for the construction of two amateur radio antenna support structures including: 1) an approximately 75-foot-tall “crank-up”, telescoping tubular mast with two sets of horizontal antennae and 2) an approximately 75-foot-tall “crank-up”, telescoping lattice tower with two sets of horizontal antennae and a support for a wire antenna. The project will result in approximately 50 square feet of site disturbance on an approximately 1.1-acre parcel in the Residential Suburban land use category and is located at 395 Crestmont Drive, approximately 1.3 miles south of the City of San Luis Obispo. The subject property is in the San Luis Obispo North Sub Area of the San Luis Obispo Planning Area. Also to be considered is the environmental determination that the project is exempt by statute under CEQA, pursuant to CEQA Guidelines Section 15061(b)(2). A Notice of Exemption has been prepared pursuant to CEQA Guidelines Section 15062.

County File Number: DRC2019-00038
Supervisory District: 3
Project Manager: Emi Sugiyama

Assessor Parcel Number: 044-441-017
Date Accepted: April 26, 2019
Recommendation: Approval

Thereafter, on motion of the hearing officer, the request by Nikola and Stefia Cimbur for a Minor Use Permit (DRC2019-00038) is granted based on the Findings A. through F. in Exhibit A and subject to the Conditions 1 through 17 in Exhibit B.

8. A request by **Carol Shedrick Dirks** for a Minor Use Permit/Coastal Development Permit (DRC2019-00102) to allow an existing single-family residence to be used as a residential vacation rental. The proposed project is within the Residential Multi-Family land use category and is located at 1630 Laguna Drive, in the community of Oceano. The site is in the San Luis Bay Coastal Planning Area. Also to be considered is the environmental determination that the project is categorically exempt under CEQA, pursuant to CEQA Guidelines Section 15061(b)(2). A Notice of Exemption has been prepared pursuant to CEQA Guidelines Section 15062.

County File Number: DRC2019-00102
Supervisory District 4
Project Manager: Jillian Ferguson

Assessor Parcel Number: 061-062-033
Date Accepted: July 2, 2019
Recommendation: Approval

Thereafter, on motion of the hearing officer, the request by Carol Shedrick Dirks for a Minor Use Permit/Coastal Development Permit (DRC2019-00102) is granted based

on the Findings A. through G. in Exhibit A and subject to the Conditions 1 through 13 in Exhibit B.

HEARING ITEMS

9. A continued hearing (from July 19, 2019) to consider a request by **Sandy Bean** for a Minor Use Permit/Coastal Development Permit (DRC2016-00112) to allow the establishment of a temporary off-site construction yard to be used for unidentified local projects. The project will result in the disturbance of the entire 1.2-acre parcel. The proposed project is within the Office and Professional land use category and is located at the northeast corner of Los Olivos Avenue and Fairchild Way, in the community of Los Osos, in the Estero Planning Area. Also to be considered is the environmental determination that the project is categorically exempt under CEQA, pursuant to CEQA Guidelines Section 15061(b)(2). A Notice of Exemption has been prepared pursuant to CEQA Guidelines Section 15062.

County File Number: DRC2016-000112

Assessor Parcel Numbers: 074-293-015

Supervisory District: 2

Date Accepted: February 15, 2019

Project Manager: Kerry Brown

Recommendation: Continue Off Calendar

Thereafter, on motion of the hearing officer, the request by Sandy Bean for a Minor Use Permit/Coastal Development Permit (DRC2016-00112) is Continued Off Calendar.

ADJOURNMENT

Next Scheduled Meeting: September 6, 2019, in the County Board of Supervisors Chambers, County Government Center, San Luis Obispo, CA.

Daniela Chavez, Secretary
Planning Department Hearings

Minutes will be Received and Filed at the May 1, 2020 Planning Department Hearing Meeting.



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

Promoting the wise use of land
Helping build great communities

MEETING DATE October 16, 2020 EFFECTIVE DATE October 31, 2020	CONTACT/PHONE Holly Phipps hhipps@co.slo.ca.us (805)781-1162	APPLICANT Jon Roth	FILE NO. DRC2019-00265
SUBJECT A request by Jon Roth for a Minor Use Permit (DRC2019-00265) to allow the construction of a 600-square-foot guesthouse with an attached 2,000-square-foot garage. San Luis Obispo County Code Section 22.30.410.E.2 states that a guesthouse shall be located no more than 50 feet from the principle residence. The applicant is requesting a modification to Section 22.30.410.E.2 to locate the guesthouse 61 feet from the principle residence. This request also includes the construction of a 3,000-square-foot expansion to an existing 3,994-square-foot workshop. San Luis Obispo County Code Section 22.30.410.G.2 states that a workshop shall not occupy an area greater than 40% of the floor area of the principle structure, except where the workshop is combined with a garage. The applicant is requesting a modification of Section 22.30.410.G.2 to allow a 6,994-square-foot workshop, which will exceed 100% of the floor area of the 3,097-square-foot principle structure. Since the workshop currently exceeds and is proposed to further exceed the square foot allowance, a Minor Use Permit is required. The project will result in the disturbance of 0.22 acres of a 68-acre parcel. The proposed project is within the Agricultural land use category and is located at 2225 Kit Fox Lane located approximately 1/2 mile east of the City of Paso Robles. The project site is in the El Pomar-Estrella Sub Area North County planning area.			
RECOMMENDED ACTION 1. Adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Conditional Use Permit DRC2019-00162 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on September 02, 2020 for this project. Mitigation measures are proposed to address Biological Resources and are included as conditions of approval.			
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION Airport Review, and Flood Hazard	ASSESSOR PARCEL NUMBER 026-441-013	SUPERVISOR DISTRICT(S) 1
PLANNING AREA STANDARDS: Paso Robles Airport Review Area <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
LAND USE ORDINANCE STANDARDS: Exterior Lighting, Setbacks, Residential Accessory Uses – Guest Houses <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
FINAL ACTION This tentative decision will become final action on the project, effective on the 15 th day following the administrative hearing, if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.			

EXISTING USES:

3,097-square-foot primary residence, 1,690-square-foot farm support quarters, tennis court with clubhouse, agricultural accessory structure (used to store tractors and ag supplies, barn that predates building permits requirements of 1970, oversized 3,994-square-foot workshop

SURROUNDING LAND USE CATEGORIES AND USES:

North: Agriculture / Single Family Residences

East: Agriculture / Single Family Residences

South: Agriculture / Single Family Residences

West: Agriculture / Single Family Residences

ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT:
 COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:

The project was referred to: Public Works, Building Department, Cal Fire/ County Fire, Environmental Health, Agriculture Department, Paso Airport Land Use Commission, CA Department Fish and Wildlife, and Native American Consultation

TOPOGRAPHY:

Relatively flat

VEGETATION:

None at project site; packed DG; property includes 30 acres hay for grazing sheep & lamas

PROPOSED SERVICES:

Water supply: On-site well

Sewage Disposal: Individual septic system

Fire Protection: Cal Fire / County Fire Department

ACCEPTANCE DATE:

December 19, 2019

PROJECT DESCRIPTION:

A request by Jon Roth for a Minor Use Permit (DRC2019-00265) to allow the construction of a 600-square-foot guesthouse with an attached 2,000-square-foot garage. San Luis Obispo County Code Section 22.30.410.E.2 states that a guesthouse shall be located no more than 50 feet from the principle residence. The applicant is requesting a modification to Section 22.30.410.E.2 to locate the guesthouse 61 feet from the principle residence. This request also includes the construction of a 3,000-square-foot expansion to an existing 3,994-square-foot workshop. San Luis Obispo County Code Section 22.30.410.G.2 states that a workshop shall not occupy an area greater than 40% of the floor area of the principle structure, except where the workshop is combined with a garage. The applicant is requesting a modification of Section 22.30.410.G.2 to allow a 6,994-square-foot workshop, which will exceed 100% of the floor area of the 3,097-square-foot principle structure. Since the workshop currently exceeds and is proposed to further exceed the square foot allowance, a Minor Use Permit is required.

PROJECT HISTORY:

- PMT2013-02979 – Construction permit for a 3,097-square-foot residence; pool permit under review PMTR2018-02000
- PMT2008-01697 – Tennis court
- PMT2008-00501 – Clubhouse
- PMT2008-01461 – Agricultural accessory structure

- PMT2008-01697 – Mobile home residence
- PMTC2019-00319 – Agricultural accessory structure used to store tractors and farm supplies
- 1959 barn that predates building permit requirements of 1970
- PMTC2019-00319 – Oversized 3,994-square-foot workshop subject to this Minor Use Permit; permit under review

PLANNING AREA STANDARDS:

Section 22.94.020.A – Airport Review Area Combining Designation Standards

All discretionary land use permits must be found consistent with the Paso Robles Municipal Airport Land Use Plan adopted by the San Luis Obispo County Airport Land Use Commission.

Staff comments: The proposed project is the construction of a 600-square-foot guesthouse with an attached 2,000-square-foot garage and the construction of a 3,000-square-foot expansion to an existing 3,994-square-foot workshop. The maximum height of the proposed workshop expansion onto oversized workshop 25 feet. The maximum height of guest with attached garage is 14 feet. Project is consistent with the Paso Robles Municipal Airport Land Use Plan.

LAND USE ORDINANCE STANDARDS:

Section 22.30.410: Residential Accessory Uses – Guesthouses

San Luis Obispo County Code Section 22.30.410.E.2 states that a guesthouse shall be located no more than 50 feet from the principle residence or as otherwise approved through Minor Use Permit. A guesthouse or home office (sleeping or home office facilities without indoor connection of the living area of a principal residence) may be established as a use accessory to a residence. The guesthouse may contain a living area, a maximum of two bedrooms and one bathroom. The living area may include a wet bar, limited to a single sink and an under-counter refrigerator that are not located in a separate room. The maximum floor area allowed is 600 square feet.

Staff comments: A guesthouse is a permitted use on this site and complies with this standard. The proposed guesthouse is 61 feet from the principal residence and the applicant is requesting a modification of the distance standard with this Minor Use Permit.

Section 22.30.410.G.2. Workshops Floor Area

San Luis Obispo County Code Section 22.30.410.G.2 states that a workshop shall not occupy an area greater than 40% of the floor area of the principle structure, except where the workshop is combined with a garage.

Staff Comments: This project includes a request for the construction of a 3,000-square-foot expansion to an existing 3,994-square-foot workshop. The applicant is requesting a modification of Section 22.30.410.G.2 to allow a 6,994-square-foot workshop, which will exceed 100% of the floor area of the 3,097-square-foot principle structure. Since the workshop currently exceeds and is proposed to further exceed the square foot allowance, a Minor Use Permit is required.

Section 22.30.410.G.1. Limits of Use

San Luis Obispo County Code Section states that an accessory structure may be constructed or used as a workshop or studio in any residential category solely for non-commercial hobbies or amusements; for maintenance of the principal structure or yards; for artistic endeavors such as painting, photography or sculpture; maintenance or mechanical work on vehicles owned or operated by the occupants; or for other similar purposes.

Staff Comments: The expanded workshop will continue to be used as a solely for non-commercial hobbies and amusements; including maintenance of the principal structure and landscape; for maintenance and mechanical work on vehicles owned or operated by the occupants; or for other similar purposes. The workshop will not be used for any commercial activity.

Section 22.10.060: Exterior Lighting

All lighting fixtures, including security lighting, shall be aimed and shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

Staff comments: The proposed project is conditioned to comply with this project.

Section 22.10.140: Setbacks to Property Lines

The required front setback for this site is 25 feet. The required side setbacks are 30 feet each, and the required rear setback is 30 feet.

Staff comments: The proposed guesthouse location will meet the required property line setbacks.

COMMUNITY ADVISORY GROUP COMMENTS:

The project is not located with a community advisory group purview area.

AGENCY REVIEW:

Public Works – Response indicated that the project is located within the Paso Robles Groundwater Basin and must follow the adopted water conservation requirements. Response indicated that the site may be located within the City of Paso Robles Sphere of Influence per Memorandum of Agreement. The applicant is encouraged to meet with the City to determine what improvement fees would be applicable. Response also indicated that a drainage plan is required prior to future submittal of development permits. (Grim, December 11, 2019)

Building Division – Response indicated that building permits are required. (Stoker, December 2019)

Cal Fire/ County Fire – Response indicated that the project will be subject to Fire Code review with the submittal of a Building permit. (Wells, December 2019)

Environmental Health – No comments (Terry, December 2019)

Agriculture Department – Response indicated that site does not appear to support commercial crop production. It appears the proposed development is consistent with policies and designed to minimize impacts to on and off-site agricultural resources (Auchinachie, December 2019)

Paso Airport Land Use Commission – No response received

CA Department Fish and Wildlife – Kit Fox Evaluation was review by the Department (Marquez, August 2020) which resulted in a Kit Fox score of 61, which requires that all impacts to kit fox habitat be mitigated at a ratio of 2 acres conserved for each acre impacted (2:1). The project will result in the permanent disturbance of 9,583-square-feet (0.22-acres) of kit fox habitat.

Native American Consultation – No response received

LEGAL LOT STATUS:

The lot was legally created by a tract map at a time when that was a legal method of creating lots.

Staff report prepared by Holly Phipps and reviewed by Lacey Minnick.

**EXHIBIT A – FINDINGS
DRC2019-00265 / ROTH**

CEQA Exemption

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on September 2, 2020 for this project. Mitigation measures are proposed to address: Biological and are included as conditions of approval.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and, as conditioned, is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the proposed project does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the guesthouse, garage and workshop is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Union, a collector road constructed to a level able to handle any additional traffic associated with the project

Modifications

- G. Modification of Distance (Land Use Ordinance, Section 22.30.410) a guesthouse can be located from a primary dwelling from 50 feet to allow a guesthouse to be located 61-feet from the primary dwelling is justified because the project will result in less site disturbance as sited.
- H. Modification of Section 22.30.410.G.2 states that a workshop shall not occupy an area greater than 40% of the floor area of the principle structure, except where the workshop is combined with a garage. The applicant is requesting the construction of a 3,000-square-foot expansion to an existing 3,994-square-foot workshop. Section 22.30.410.G.2 to allow a 6,994-square-foot workshop, which will exceed 100% of the floor area of the 3,097-square-foot principle structure. Since the workshop currently exceeds and is proposed to further exceed the additional square foot allowance is justified with approval of this Minor Use Permit. The project will not result in the removal of any vegetation and will not result in any significant impacts.

ATTACHMENT 1

Airport Review Area

- I. The proposed use will not adversely affect the Airport Review Area because all development complies with Section 22.94.020.A of the land use ordinance which dictates standards for development within the Airport Review Area.

**EXHIBIT B - CONDITIONS OF APPROVAL
DRC2019-00265 / ROTH**

Approved Development

1. This approval authorizes to allow the construction of a 600-square-foot guesthouse with an attached 2,000-square-foot garage and the construction of a 3,000-square-foot expansion to an existing 3,994-square-foot workshop.
 - a. Modification of the ordinance standard (22.30.410.E.2) to locate the guesthouse 61 feet from the primary residence.
 - b. Modification of the ordinance standard (22.30.410.G.2) to exceed greater than 40% of the floor area of the primary structure to allow a 6,994-square-foot workshop.

Conditions required to be completed at the time of application for construction permits

Site Development

2. **At the time of application for construction permits** plans submitted shall show all development consistent with the approved site plan, floor plan, and architectural elevations.
3. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

Access

4. **At the time of application for construction permits**, the applicant shall provide evidence to the Department of Planning and Building that onsite circulation and pavement structural sections have been designed and shall be constructed in conformance with Cal Fire, or the regulating fire agency standards and specifications back to the nearest public maintained roadway.

Drainage & Flood Hazard

5. **At the time of application for construction permits**, the applicant may be required to submit complete drainage plans for review and approval in accordance with Section 22.52.110 of the Land Use Ordinance.
6. **At the time of application for construction permits**, the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with Section 22.52.120 of the Land Use Ordinance.

Stormwater Pollution Prevention Plan

7. **At the time of application for construction permits**, if the project disturbs more than 1.0 acre or is part of a common plan of development, the applicant must enroll for coverage under California's Construction General Permit. Sites that disturb less than 1.0 acre must implement all required elements within the site's erosion and sediment control plan as required by San Luis Obispo County Codes.

Fire Safety

8. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the Cal Fire/County Fire Department for this proposed project, provided during the building permit process.

Services

9. **At the time of application for construction permits**, the applicant shall submit evidence that there is adequate water to serve the proposal, on the site.
10. **At the time of application for construction permits**, the applicant shall submit evidence that a septic system, adequate to serve the proposal, can be installed on the site.

Conditions to be completed prior to issuance of a construction permit

Fees

11. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

Avigation Easement

12. **Prior to issuance of a construction permits**, the applicant shall obtain an avigation easement. The avigation easement document shall be prepared, reviewed and approved by County Counsel.

Conditions to be completed prior to occupancy or final building inspection /establishment of the use

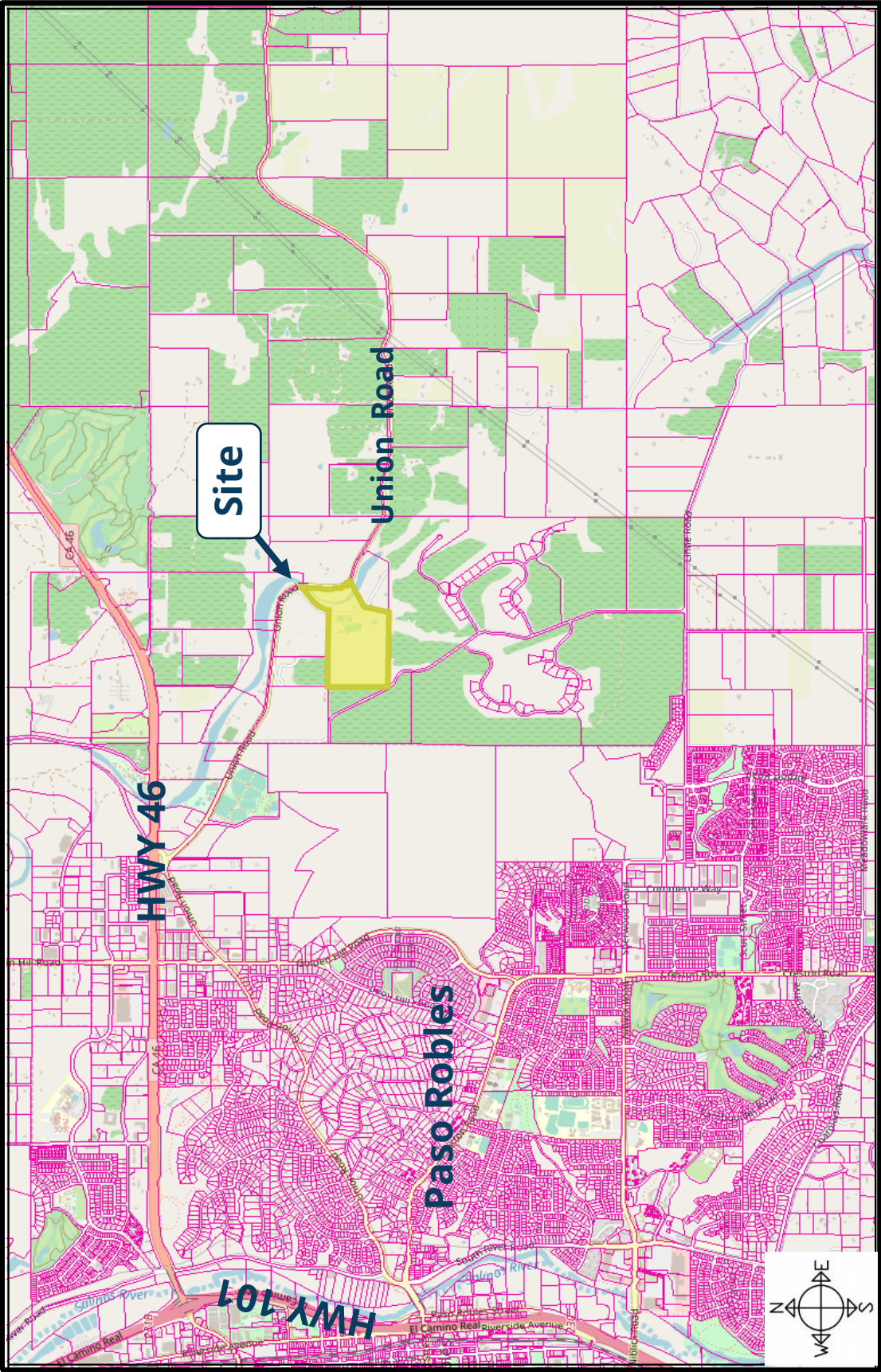
13. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from Cal Fire / County Fire of all required fire/life safety measures.
14. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

Limitation on Use

15. **Prior to final building inspection**, the applicant shall execute a covenant and agreement with the County in a form acceptable to the County Counsel, whereby the applicant agrees, on behalf of himself and his successors in interest to restrict the use of the guesthouse such that the guesthouse will not be used for any other purpose not specifically authorized by this approval. Specifically, the guesthouse shall not contain or accommodate cooking or laundry facilities and shall not be used for residential occupancy independent from the principal residence or a dwelling unit for rental.

On-going conditions of approval (valid for the life of the project)

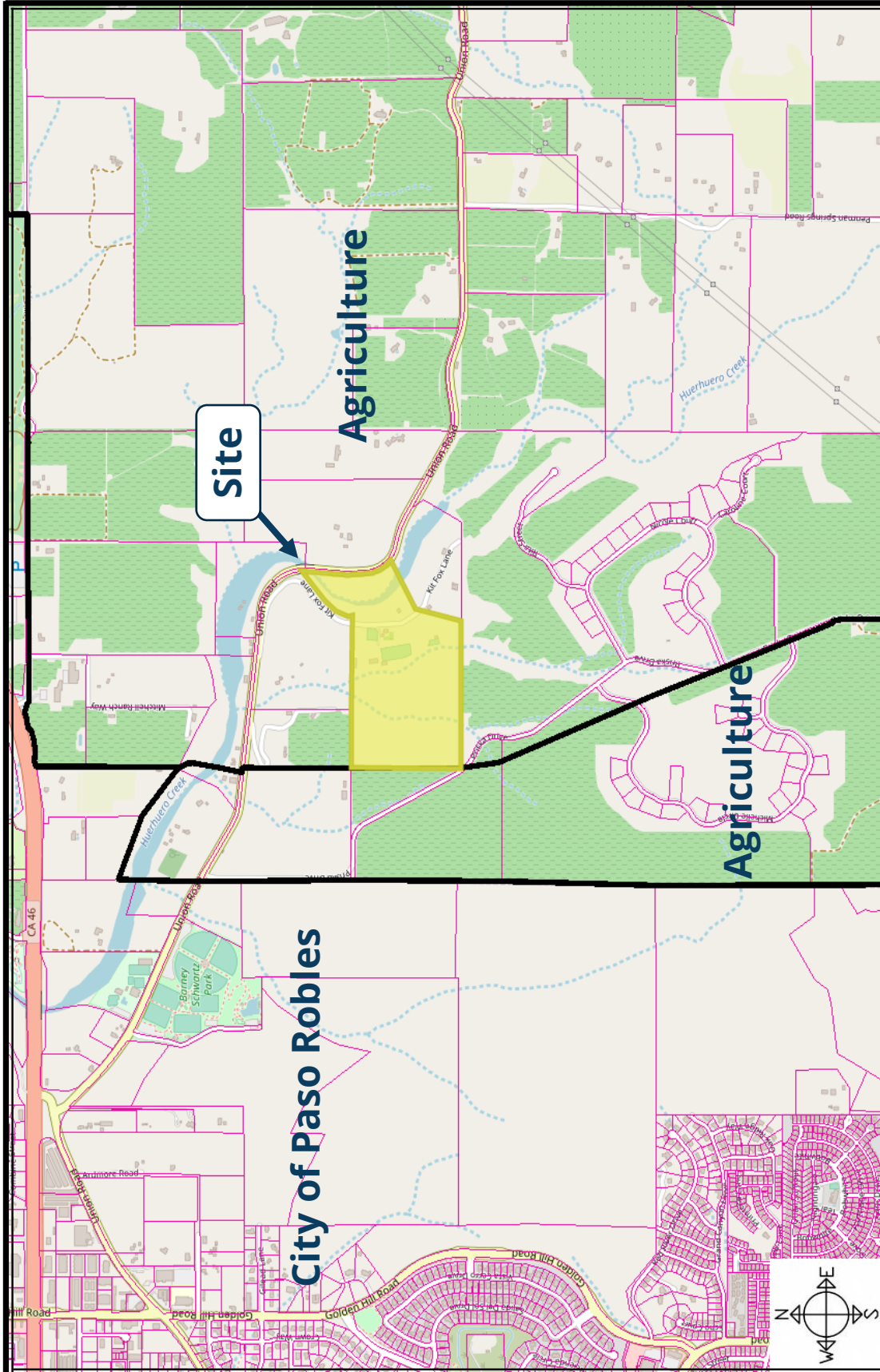
16. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
17. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.



Vicinity Map
DRC2019-00265

COUNTY OF SAN LUIS OBISPO

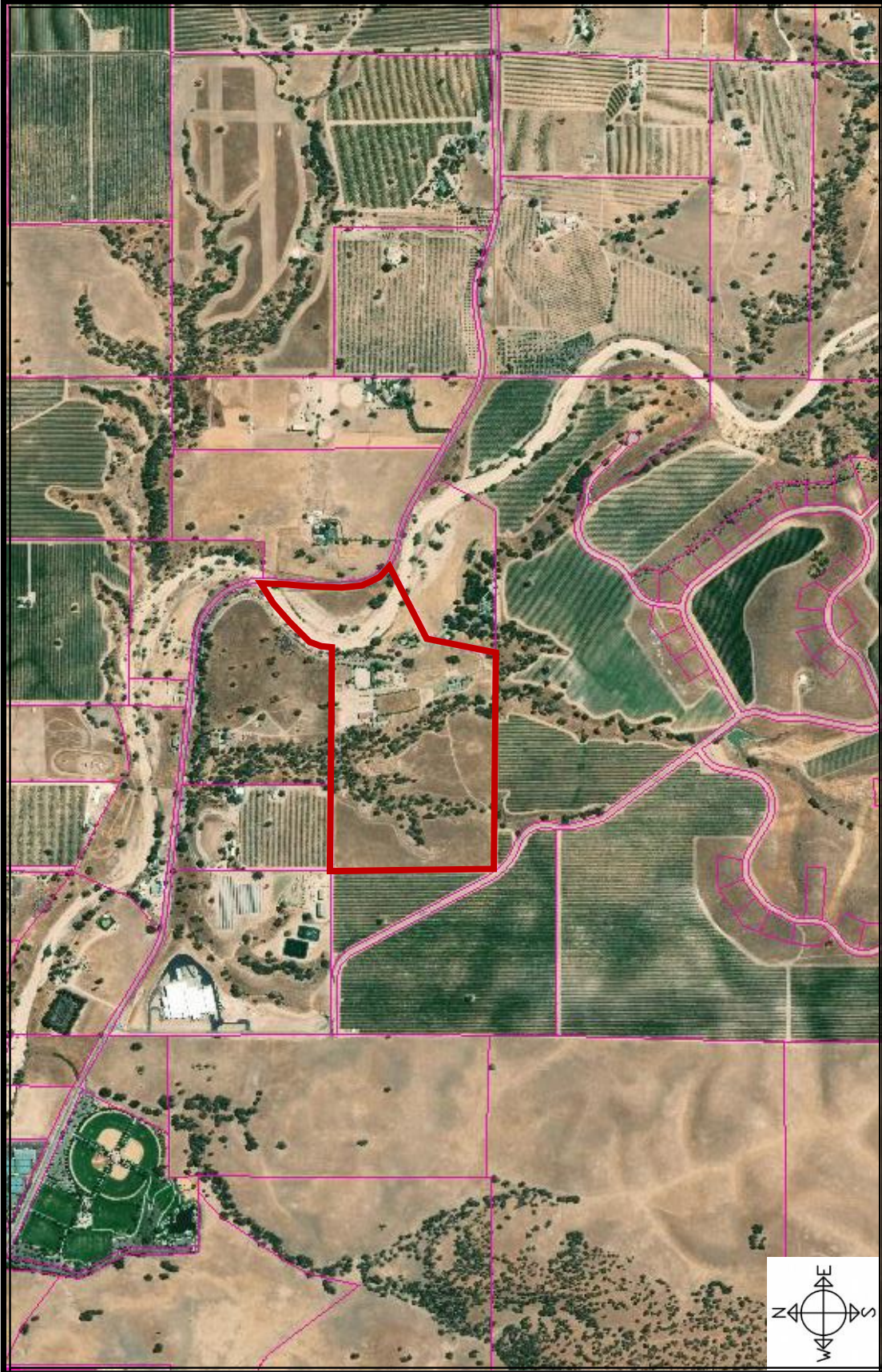




**Land Use Category Map
DRC2019-00265**

COUNTY OF SAN LUIS OBISPO

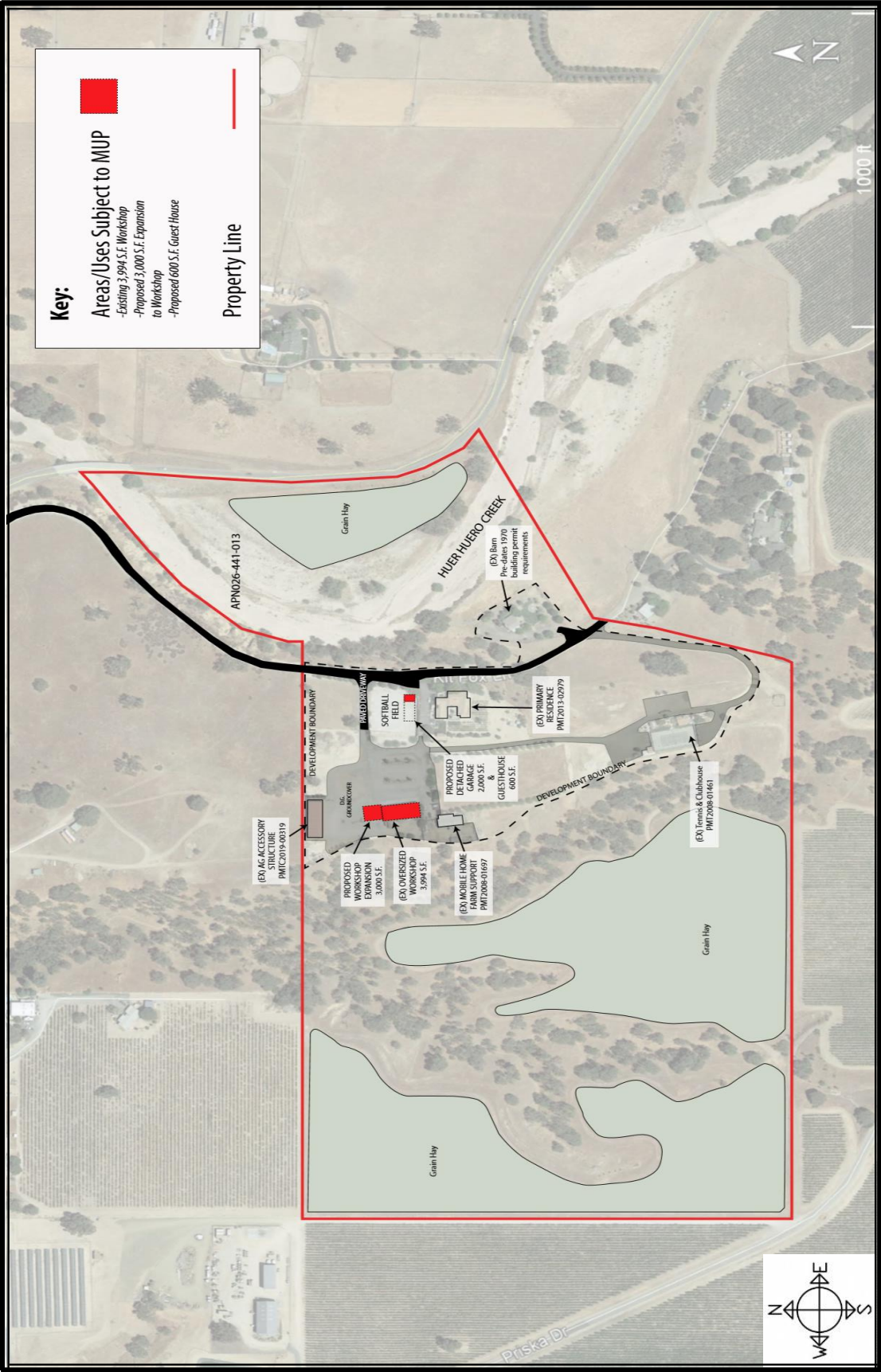




Aerial
DRC2019-00265

COUNTY OF SAN LUIS OBISPO

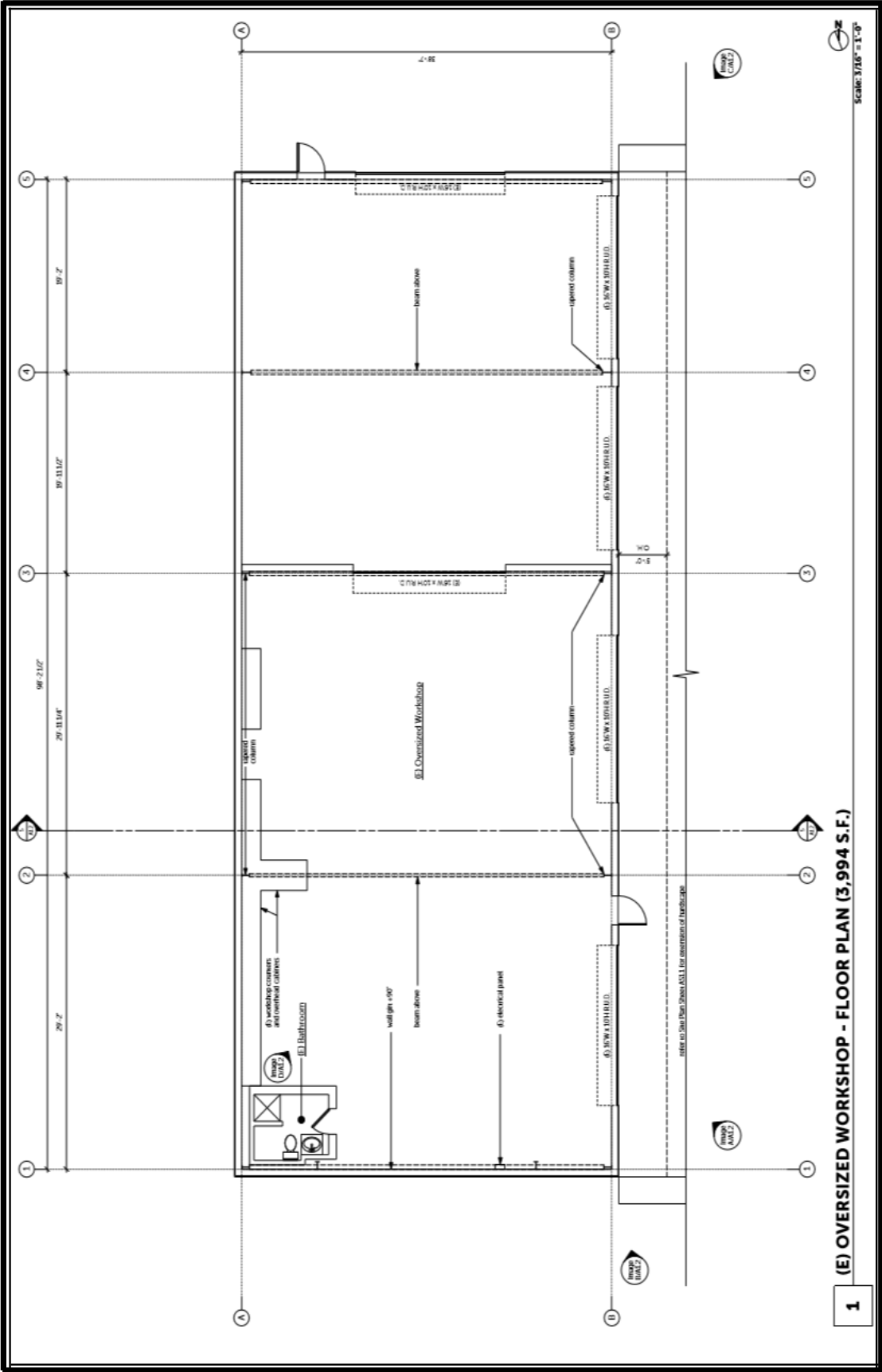




Site Map
DRC2019-00265

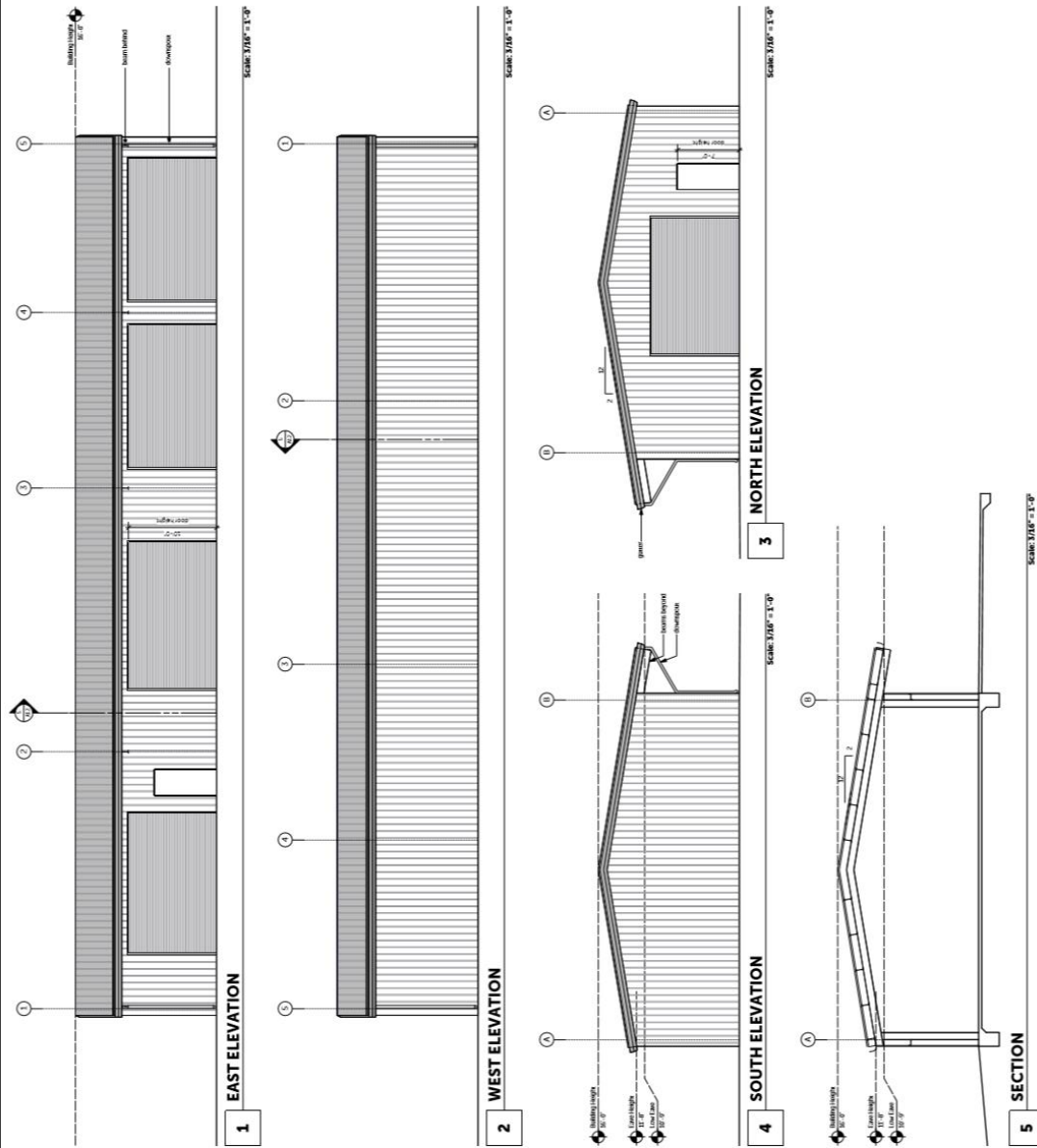
COUNTY OF SAN LUIS OBISPO

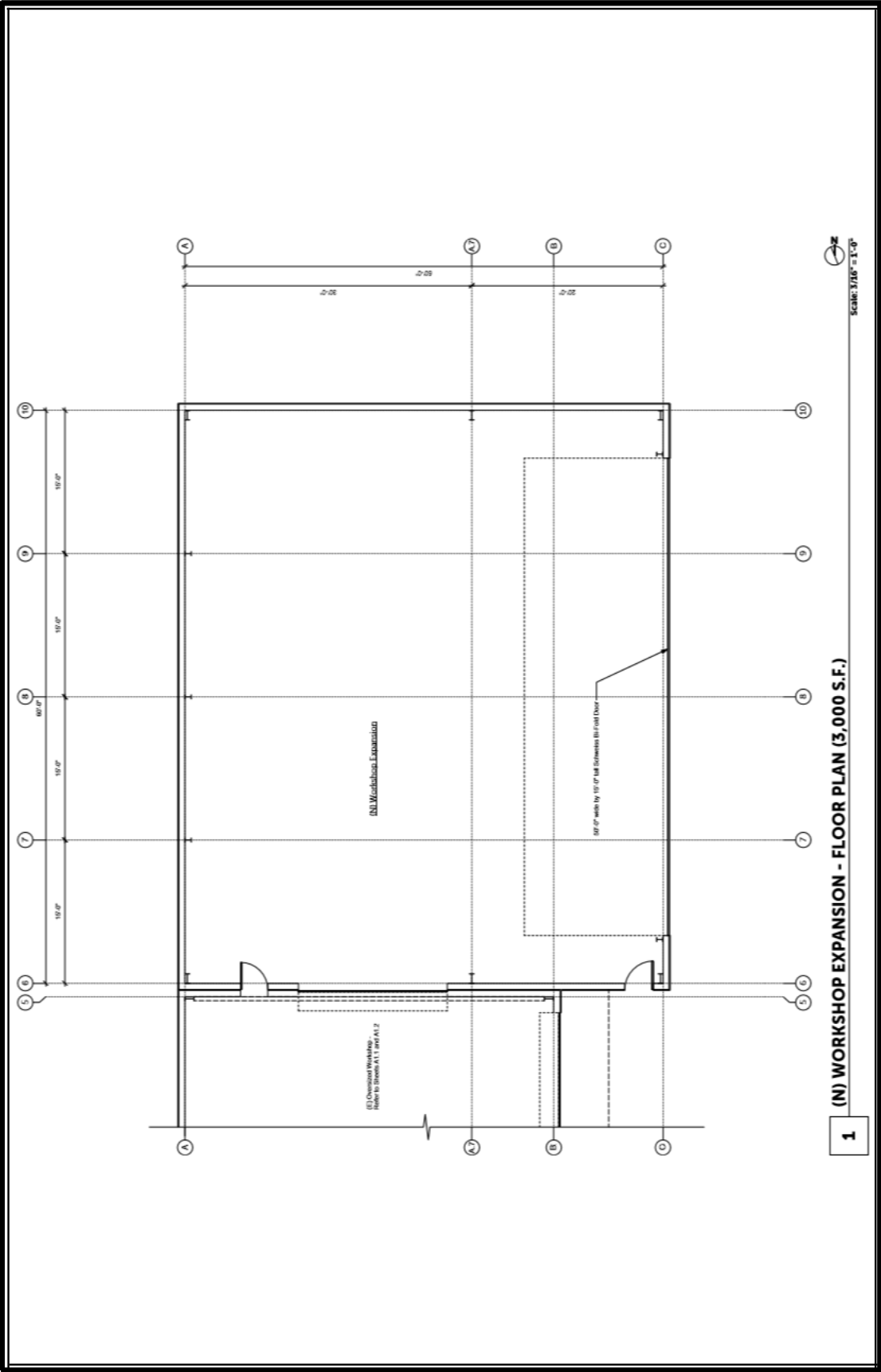


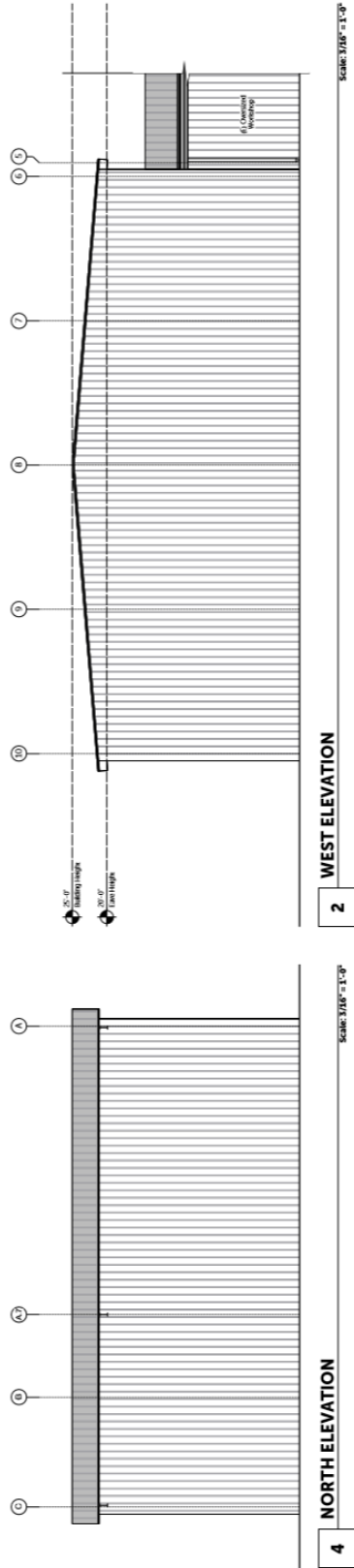
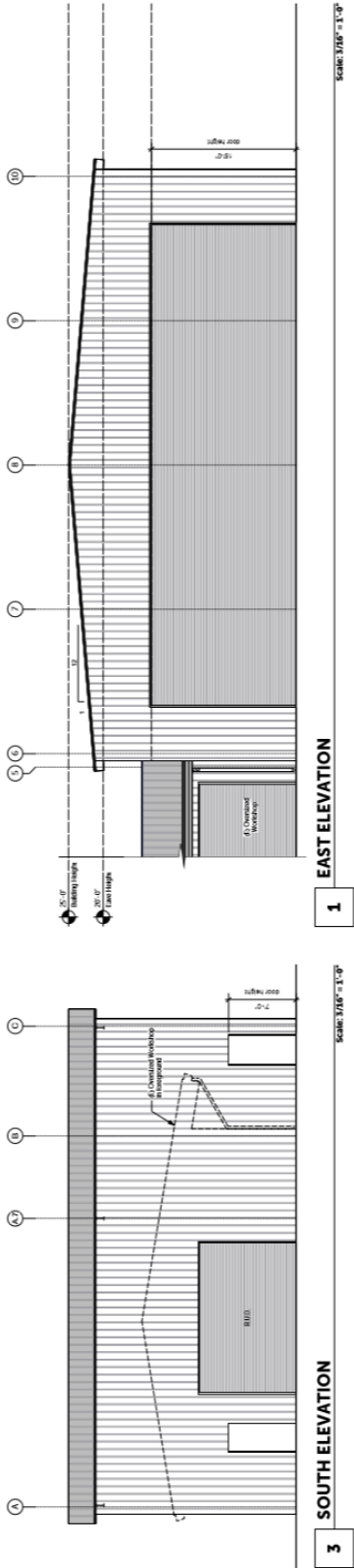


Elevations DRC2019-00265

COUNTY OF SAN LUIS OBISPO

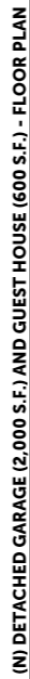




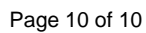


COUNTY OF SAN LUIS OBISPO

Elevations
DRC2019-00265



100





COUNTY OF SAN LUIS OBISPO
Department of Public Works
John Diodati, Interim Director

RECOMMENDED CONDITIONS

Date: December 11, 2019
To: Holly Phipps, Project Planner
From: Lane Sutherland
David E. Grim, Development Services

Subject: DRC2019-00265 Roth, MUP, 2225 Kit Fox Lane, Paso Robles, APN 026-441-013

Thank you for the opportunity to provide information on the proposed subject project. It has been reviewed by several divisions of Public Works, and this represents our consolidated response.

Public Works Comments:

- A. The project is located within the Paso Robles Groundwater Basin and must follow the adopted water conservation requirements of the Paso Robles Groundwater Basin Plan.
- B. Project site may be located within the City of Paso Robles Sphere of Influence per Memorandum of Agreement (MOA). The applicant is encouraged with meet with the City to determine what road improvement fees would be applicable to this project.
- C. The proposed project is within a drainage review area. A drainage plan is required to be prepared by a registered civil engineer and will be reviewed at the time of Building Permit submittal by Public Works. The applicant should review Chapter 22.52.110 of the Land Use Ordinance prior to future submittal of development permits.
- D. This project appears to not meet the applicability criteria for Stormwater Management, as it is located outside a Stormwater Management Area (MS4) or is within but creates or replaces less than 2,500 sf of impervious area.
- E. The site is within the Paso Groundwater Basin and may be subject to the Sustainable Groundwater Management Act (SGMA). However, the Groundwater Sustainability Agency responsible for overseeing SGMA compliance has not completed the planning efforts that will define the need for any groundwater mitigation requirements. In the interim, consideration of the project's impacts on the groundwater basin

Recommended Project Conditions of Approval:

1. **At the time of application for construction permits,** the applicant shall provide evidence to the Department of Planning and Building that onsite circulation and pavement structural sections have been designed and shall be constructed in conformance with Cal Fire, or the regulating fire agency standards and specifications back to the nearest public maintained roadway.

Drainage & Flood Hazard

2. **At the time of application for construction permits,** the applicant may be required to submit complete drainage plans for review and approval in accordance with Section 22.52.110 of the Land Use Ordinance.
3. **At the time of application for construction permits,** the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with Section 22.52.120 of the Land Use Ordinance.

Stormwater Pollution Prevention Plan (SWPPP)

4. **At the time of application for construction permits,** if the project disturbs more than 1.0 acre or is part of a common plan of development, the applicant must enroll for coverage under California's Construction General Permit. Sites that disturb less than 1.0 acre must implement all required elements within the site's erosion and sediment control plan as required by San Luis Obispo County Codes.



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING
TREVOR KEITH, DIRECTOR

RECEIVED

- 9 MAR 2020

PLANNING & BUILDING

THIS IS A NEW PROJECT REFERRAL / SUMMARY ***DATE:** 12/6/2019**TO:** 1st District Legislative Assistant, Ag Commissioner, Airport Land Use Commission, Assessor's Office, Building Division, CAL FIRE / County Fire, Environmental Health, Public Works, AB52 Contacts**FROM:** Holly Phipps (805-781-1162 or hhipps@co.slo.ca.us)**PROJECT NUMBER & NAME:** DRC2019-00265 ROTH**PROJECT DESCRIPTION*:** Proposed Minor Use Permit to expand existing oversized workshop/garage by 3,000 SF and to construct a 600 SF guesthouse exceeding the 50 ft maximum distance from the primary residence. Location is 2225 Kit Fox Lane in Paso Robles.**APN(s):** 026-441-013

Return this letter with your comments attached no later than 14 days from receipt of this referral. CACs please respond within 60 days. Thank you.

PART I: IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- ☒ YES (Please go on to PART II.)
☐ NO (Call me ASAP to discuss what else you need. We have only 10 days in which we must obtain comments from outside agencies.)

PART II: ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- ☒ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)
☐ NO (Please go on to PART III.)

PART III: INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE INDICATE (VIA E-MAIL OR PHONE).

PROJECT WILL BE SUBJECT TO FIRE CODE REVIEW w/ BUILDING PERMIT.

3-8-2020

D. WELLS

805-593-3427

Date

Name

Phone

**All information and/or material provided in the following Referral Package is valid for 90 days after this correspondence. After that time please contact the Project Manager for the most updated information.*

ATTACHMENT 4

From: Michael Stoker
Sent: Monday, December 16, 2019 11:19 AM
To: Holly Phipps
Cc: Cheryl Journey; Don C. Moore
Subject: Re: DRC2019-00265 ROTH, Project Summary / Referral*, Minor Use Permit, Paso Robles

Holly,

Please find buildings recommendations for DRC2019-00265 below. Please let me know if you have any questions.

In regards to this preliminary review, a building permit is required. The drawings specify the work to be completed consists to expand existing oversized workshop/garage by 3,000 SF and to construct a 600 SF guesthouse exceeding the 50 ft maximum distance from the primary residence. The project shall comply with current codes adopted by the County of San Luis Obispo (Current version of the California Building Standards Codes and Title 19 of the SLO County Codes).

While a thorough plan review will be conducted at time of building permit application, the following items are noted to assist design review;

1. Construction shall comply with the current version of the California Residential Code.
2. Clarify on the cover sheet of the plans if the workshops being expanded are for commercial or residential use.
3. The design of the openings, projections, wall rating based on fire separation distance will need to be shown on the plans to comply with CRC Section 302, including Table 302.1(2) for buildings with sprinklers.
4. Provide plans which clearly show the structural design to verify compliance with the prescriptive requirements of the current version of the California Residential Code or any structural element not complying with the prescriptive requirements will need to be prepared by a California Licensed Design Professional (Architect or Engineer) justifying the structural design.
5. The project will require a soils report and structural calculations for the design of the buildings. All structural elements to be detailed on the plans to comply with CBSC and adopted referenced codes.
6. Label all egress windows on the plans to verify compliance with size and height per the California Residential Code.
7. Provide electrical plans with notes to show the location of the main electrical panel, sub-panels, receptacles, lights, switches, and smoke detectors and Co alarms to verify compliance with the current version of the California Electrical Code.
8. Provide notes and information on the plans for the plumbing fixtures requirements, design of the waste lines, vents, and water lines will all need to comply with the current version of the California Plumbing Code.

9. Energy calculation will need to be submitted to verify compliance with the current version of the California Energy Code.
10. The plans will need show compliance with the current version of the California Green Building Code and the County of San Luis Obispo's Green Building Ordinance.
11. Fire sprinklers will be required under a separate permit application. Provide plans showing the design and layout for the sprinkler system.
12. The septic design will need to comply with Tier I requirements of the California Onsite Wastewater Treatment Systems design criteria or the design will need to be submitted to RWQCB for review and approval

thanks

Michael Stoker, CASp
Building Division Supervisor
County of San Luis Obispo
Planning and Building Department
(p) 805-781-1543
(f) 805-781-1242
mstoker@co.slo.ca.us



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING
TREVOR KEITH, DIRECTOR

THIS IS A NEW PROJECT REFERRAL / SUMMARY *

DATE: 12/6/2019

TO: 1st District Legislative Assistant, Ag Commissioner, Airport Land Use Commission, Assessor's Office, Building Division, CAL FIRE / County Fire, Environmental Health, Public Works, AB52 Contacts

FROM: Holly Phipps (805-781-1162 or hhipps@co.slo.ca.us)

PROJECT NUMBER & NAME: DRC2019-00265 ROTH

PROJECT DESCRIPTION*: Proposed Minor Use Permit to expand existing oversized workshop/garage by 3,000 SF and to construct a 600 SF guesthouse exceeding the 50 ft maximum distance from the primary residence. Location is 2225 Kit Fox Lane in Paso Robles.

APN(s): 026-441-013

Return this letter with your comments attached no later than 14 days from receipt of this referral. CACs please respond within 60 days. Thank you.

PART I: IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- ☐ YES (Please go on to PART II.)
- ☐ NO (Call me ASAP to discuss what else you need. We have only 10 days in which we must obtain comments from outside agencies.)

PART II: ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- ☐ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)
- ☐ NO (Please go on to PART III.)

PART III: INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE INDICATE (VIA E-MAIL OR PHONE).

No Comment

12/19/19
Date

Leslie Terry, REHS
Name

x 5553
Phone

**All information and/or material provided in the following Referral Package is valid for 90 days after this correspondence. After that time please contact the Project Manager for the most updated information.*



COUNTY OF SAN LUIS OBISPO

DEPARTMENT OF AGRICULTURE / WEIGHTS & MEASURES

Martin Settevendemie, Agricultural Commissioner / Sealer of Weights & Measures

DATE: December 18, 2019
TO: Holly Phipps, Project Manager
FROM: Lynda L. Auchinachie, Agriculture Department
SUBJECT: Roth Minor Use Permit DRC2019-00265 (3179)

Thank you for the opportunity to comment on the proposed expansion of an existing 3,994 square foot workshop to create a workshop totaling 6,994 square feet. A 600 square foot guest house is also proposed to be attached to a future 2,000 square foot garage.

The project site is within the Agriculture land use category and is located at 2225 Kit Fox Lane, east of Paso Robles. The 68-acre project site is developed with residences, several residential accessory facilities, and agricultural accessory structures. The site does not appear to support commercial crop production. Neighboring agricultural properties support wine grape vineyards.

The proposal was reviewed relative to Agriculture Element policies to ensure the that impacts to agricultural resources are minimized. It appears the proposed development is consistent with policies and designed to minimize impacts to on and off-site agricultural resources.

The above comments and recommendations are based on the Agriculture Department's application of policies in the San Luis Obispo County Agriculture Element, the Conservation and Open Space Element, the Land Use Ordinance, the California Environmental Quality Act (CEQA) and on current departmental objectives to conserve agricultural resources and to provide for public health, safety and welfare, while mitigating negative impacts of development to agriculture. The Agriculture Department is a referral agency to the Planning and Building Department. Comments and recommendations are specific to agricultural resources and operations and are intended to inform the overall decision-making process.

If you have any questions, please call me at 805.781.5914.



Negative Declaration & Notice Of Determination

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING
976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

ENVIRONMENTAL DETERMINATION NO. ED20-184

DATE: September 2, 2020

PROJECT/ENTITLEMENT: Roth Minor Use Permit DRC2019-00265

APPLICANT NAME: Jon Roth

Email: jon@integralproducts.com

ADDRESS: 2225 Kit Fox Lane

CONTACT PERSON: Kirk Consulting

Telephone: 805-461-5765

PROPOSED USES/INTENT: A request by Jon Roth for a Minor Use Permit to allow the construction of a 600-square-foot guesthouse with an attached 2,000-square-foot garage. San Luis Obispo County Code Section 22.30.410.E.2 states that a guesthouse shall be located no more than 50 feet from the principle residence. The applicant is requesting a modification to Section 22.30.410.E.2 to locate the guesthouse 61 feet from the principle residence. This request also includes the construction of a 3,000-square-foot expansion to an existing 3,994-square-foot workshop.

LOCATION: The project site is in the El Pomar-Estrella Sub Area North County planning area. The proposed project is within the Agricultural land use category and is located at 2225 Kit Fox Lane located approximately 1/2 mile east of the City of Paso Robles.

LEAD AGENCY: County of San Luis Obispo
Dept of Planning & Building
976 Osos Street, Rm. 200
San Luis Obispo, CA 93408-2040
Website: <http://www.sloplanning.org>

STATE CLEARINGHOUSE REVIEW: YES ☒ NO ☐

OTHER POTENTIAL PERMITTING AGENCIES: None

ADDITIONAL INFORMATION: Additional information pertaining to this Environmental Determination may be obtained by contacting the above Lead Agency address or (805)781-5600.

COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT 4:30 p.m. (2 wks from above DATE)

30-DAY PUBLIC REVIEW PERIOD begins at the time of public notification

Notice of Determination

State Clearinghouse No. _____

This is to advise that the San Luis Obispo County _____ as ☐ *Lead Agency*
☐ *Responsible Agency* approved/denied the above described project on _____, and has made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures and monitoring were made a condition of approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at the 'Lead Agency' address above.

County of San Luis Obispo

Signature

Project Manager Name

Date

Public Agency



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING
Initial Study – Environmental Checklist

PLN-2039
04/2019

Project Title & No. Roth Minor Use Permit DRC2019-00265 / ED20-184

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The proposed project could have a "Potentially Significant Impact" for environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Public Services
<input type="checkbox"/> Agriculture & Forestry Resources	<input type="checkbox"/> Hazards & Hazardous Materials	<input type="checkbox"/> Recreation
<input type="checkbox"/> Air Quality	<input type="checkbox"/> Hydrology & Water Quality	<input type="checkbox"/> Transportation
<input checked="" type="checkbox"/> Biological Resources	<input type="checkbox"/> Land Use & Planning	<input type="checkbox"/> Tribal Cultural Resources
<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Mineral Resources	<input type="checkbox"/> Utilities & Service Systems
<input type="checkbox"/> Energy	<input type="checkbox"/> Noise	<input type="checkbox"/> Wildfire
<input type="checkbox"/> Geology & Soils	<input type="checkbox"/> Population & Housing	<input type="checkbox"/> Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

- ☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Prepared by (Print)

Signature

Date

Steve McMasters, Principal
 Environmental Specialist

Reviewed by (Print)

Signature

Date

Initial Study – Environmental Checklist

Project Environmental Analysis

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The County Planning Department uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Planning Department, 976 Osos Street, Rm. 200, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. Project

DESCRIPTION: A request by Jon Roth for a Minor Use Permit (DRC2019-00265) to allow the construction of a 600-square-foot guesthouse with an attached 2,000-square-foot garage. San Luis Obispo County Code Section 22.30.410.E.2 states that a guesthouse shall be located no more than 50 feet from the principle residence. The applicant is requesting a modification to Section 22.30.410.E.2 to locate the guesthouse 61 feet from the principle residence. This request also includes the construction of a 3,000-square-foot expansion to an existing 3,994-square-foot workshop. San Luis Obispo County Code Section 22.30.410.G.2 states that a workshop shall not occupy an area greater than 40% of the floor area of the principle structure, except where the workshop is combined with a garage. The applicant is requesting a modification of Section 22.30.410.G.2 to allow a 6,994-square-foot workshop, which will exceed 100% of the floor area of the 3,097-square-foot principle structure. Since the workshop currently exceeds and is proposed to further exceed the square foot allowance, a Minor Use Permit is required. The project will result in the disturbance of 0.22 acres (9,583-square feet) of a 68-acre parcel. The project site is in the El Pomar-Estrella Sub Area North County planning area. The proposed project is within the Agricultural land use category and is located at 2225 Kit Fox Lane located approximately 1/2 mile east of the City of Paso Robles.

ASSESSOR PARCEL NUMBER(S): 026-441-013

Latitude: 35.63281° N

Longitude: 120.63183° W

SUPERVISORIAL DISTRICT #

1

B. Existing Setting

Plan Area: North County Planning

Sub : El Pomar-Estrella

Comm: NA

Land Use Category: Agriculture

Combining Designation: Airport Review, and Flood Hazard

Parcel Size: 68 acres

Topography: Gently rolling to moderately sloping

Vegetation: Hay, grazing for sheep and llamas

Initial Study – Environmental Checklist

Existing Uses: 3,097-square-foot primary residence, 1,690-square-foot farm support quarters, tennis court with clubhouse, agricultural accessory structure (used to store tractors and ag supplies, barn that predates building permits requirements of 1970, oversized 3,994-square-foot workshop

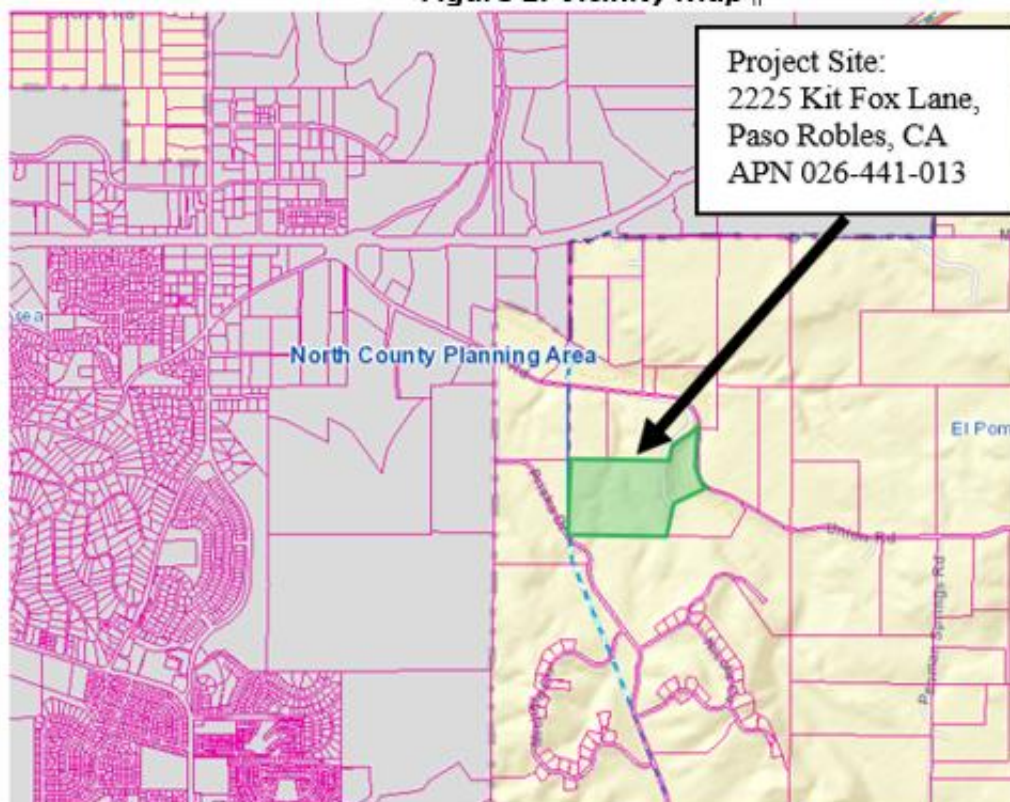
Surrounding Land Use Categories and Uses:

North:	Agriculture; Agricultural uses and single-family residences(s)	East:	Agriculture; Agricultural uses and single-family residences(s)
South:	Agriculture; Agricultural uses and single-family residences(s)	West:	Agriculture; Agricultural uses and single-family residences(s)

C. Environmental Analysis

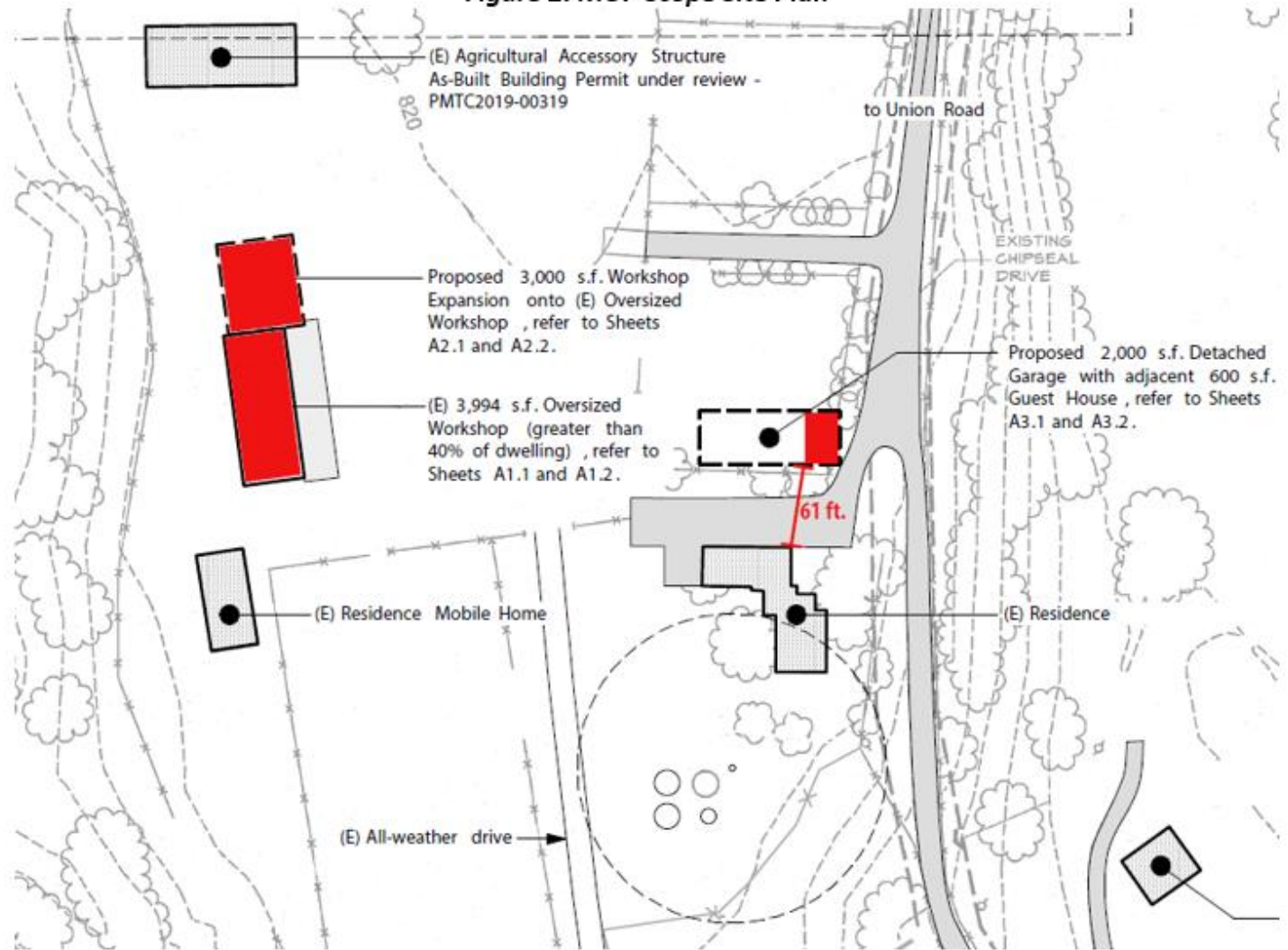
The Initial Study Checklist provides detailed information about the environmental impacts of the proposed project and mitigation measures to lessen the impacts.

Figure 1: Vicinity Map



Initial Study – Environmental Checklist

Figure 2: MUP Scope Site Plan



Initial Study – Environmental Checklist

I. AESTHETICS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Except as provided in Public Resources Code Section 21099, would the project:</i>				
(a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The proposed development is located off of Kit Fox Lane, approximately a 1/2 mile east of Paso Robles. The project site is located within a predominantly agricultural area and is located on gently rolling to moderately sloping topography surrounded by large agricultural parcels. A primary residence, farm support quarters, a tennis court and clubhouse, an agricultural accessory structure, a barn, and an oversized workshop are located on the project parcel. The surrounding visual setting includes vast agricultural views, open hillsides, scattered rural residences, and other agricultural infrastructure and accessory development. The surrounding land is used primarily for grazing or grain cultivation.

California's Scenic Highway Program was created by the State Legislature in 1963 with the intention of protecting and enhancing the natural scenic beauty of California highways and adjacent corridors. There are several officially designated state scenic highways and several eligible state scenic highways within the county. State Route 1 is an Officially Designated State Scenic Highway and All-American Road from the City of San Luis Obispo to the northern San Luis Obispo County boundary. A portion of Nacimiento Lake Drive is an Officially Designated County Scenic Highway. Portions of Highway 101, Highway 46, Highway 41, Highway 166, and Highway 33 are also classified as Eligible State Scenic Highways – Not Officially Designated.

A scenic vista is generally defined as a high-quality view displaying good aesthetic and compositional values that can be seen from public viewpoints. Some scenic vistas are officially or informally designated by public

Initial Study – Environmental Checklist

agencies or other organizations. A substantial adverse effect on a scenic vista would occur if the project would significantly degrade the scenic landscape as viewed from public roads or other public areas. A proposed project's potential effect on a scenic vista is largely dependent upon the degree to which it would complement or contrast with the natural setting, the degree to which it would be noticeable in the existing environment, and whether it detracts from or complements the scenic vista.

Discussion

(a) *Have a substantial adverse effect on a scenic vista?*

The project site is located in an agricultural area accessed off of Union Road. No nearby roadways have been designated as scenic highways, and the site cannot be seen from surrounding public roads.

The project site has an appealing rural character, but it is not officially or informally designated as a scenic vista. Therefore, the project would not result in a substantial adverse effect on a scenic vista, and impacts would be less than significant.

(b) *Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?*

The project site is not located along nor is visible from a designated state scenic highway or eligible state scenic highway. Therefore, the project would not result in substantial damage to scenic resources within a state scenic highway, and there would be no impact.

(c) *In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?*

The proposed project is located in a non-urban area and is unlikely to degrade the existing visual character or quality of public views. The project proposes the expansion of an existing workshop and construction of a guesthouse which would match the parcels current aesthetic display and fit within the area's existing agricultural setting. Therefore, impacts to the visual character of the area would be less than significant.

(d) *Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?*

The project is small in nature and is not expected to produce a substantial amount of light; additionally, the existing infrastructure on the project site already emits light. Therefore, it is unlikely that the project would have any substantial adverse effect on day or nighttime views through the creation of substantial light or glare. The County of San Luis Obispo's Land Use Ordinance 22.10.060 prohibits light or glare which is transmitted or reflected in a concentration or intensity that is detrimental or harmful to persons, or that interferes with the use of surrounding properties or streets. This section also requires that light shielding be used for outdoor lighting on new projects. Therefore, impacts relating to nighttime lighting and glare would be less than significant.

Initial Study – Environmental Checklist

Conclusion

The project is not expected to have any adverse effects on the visual quality of the site or its surroundings, including any scenic vistas or resources. Additionally, the project would not substantially degrade the existing visual character or create a new source of substantial light or glare.

Mitigation

There is no evidence that measures above what will already be required by ordinance or codes are needed. Therefore, impacts would be less than significant.

Sources

See Exhibit A.

Initial Study – Environmental Checklist

II. AGRICULTURE AND FORESTRY RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p><i>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:</i></p>				
(a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The project parcel is within the agricultural land use category and is not under a Williamson Act contract. Additionally, the project does not support historic crops or timberland activities.

Initial Study – Environmental Checklist

Based on the California Department of Conservation Farmland Mapping and Monitoring Program (FMMP) and the San Luis Obispo County Important Farmland Map (FMMP 2018), the project site contains farmland considered Farmland of Statewide Importance.

The soil types and characteristics subject to disturbance from this project include:

Arbuckle-San Ysidro complex (2 - 9% slope).

Arbuckle. This gently sloping coarse loamy soil is considered moderately drained. The soil has moderate erodibility and low shrink-swell characteristics, as well as potential septic system constraints due to slow percolation. The soil is considered Class IV without irrigation and Class II when irrigated.

San Ysidro. This gently sloping coarse loamy soil is considered moderately to well drained. The soil has high erodibility and low shrink-swell characteristics, as well as potential septic system constraints due to slow percolation. The soil is considered Class IV without irrigation and Class II when irrigated.

Arbuckle-Positas complex (50 - 75 % slope).

Arbuckle. This very steeply sloping soil is considered moderately drained. The soil has moderate erodibility and low shrink-swell characteristics, as well as potential septic system constraints due to steep slopes and slow percolation. The soil is considered Class IV without irrigation and Class IV when irrigated.

Positas. This very steeply sloping soil is considered very poorly drained. The soil has moderate erodibility and low shrink-swell characteristics, as well as potential septic system constraints due to steep slopes and slow percolation. The soil is considered Class IV without irrigation and Class IV when irrigated.

Discussion

- (a) *(Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?)*

Based on information provided by the Farmland Mapping and Monitoring Program of the California Resources Agency, the proposed project would be located on a parcel containing soils which are designated as "Farmland of Statewide Importance." However, the project proposes minor building additions on previously disturbed areas on a section of the parcel that is already utilized for residential purposes. Therefore, no current or potential farmland would be converted to non-agricultural uses and potential impacts would be less than significant.

- (b) *Conflict with existing zoning for agricultural use, or a Williamson Act contract?*

The parcel is not under a Williamson Act contract or within land zoned for agricultural use. Therefore, there will be no impact.

- (c) *Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?*

The project would not be located in an area that is zoned as forest land, timberland, or timberland zoned Timberland Production, nor would the project cause the rezoning of such lands. Therefore, there will be no impacts.

Initial Study – Environmental Checklist

(d) *Result in the loss of forest land or conversion of forest land to non-forest use?*

The project would not be located in an area that is considered forest land, and would therefore not result in the loss of forest land or conversion of forest land to a non-forest use, so there would be no impacts.

(e) *Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?*

The project would not directly or indirectly result in the conversion of farmland, forest land, or timber land to non-agricultural uses or non-forest uses and would not conflict with agricultural zoning or otherwise adversely affect agricultural resources or uses. No significant impacts to agricultural resources would occur.

Conclusion

The proposed minor grading and construction will occur over previously disturbed areas. The 3,000-square-foot workshop expansion area is currently covered with aggregate base. The 600-square-foot guesthouse and 2,000-square-foot attached garage is proposed over an existing softball field covered in compacted sand.

The project would not directly or indirectly result in the conversion of farmland, forest land, or timber land to non-agricultural uses or non-forest uses and would not conflict with agricultural zoning or otherwise adversely affect agricultural resources or uses.

Mitigation

No significant impacts to agricultural resources would occur and no mitigation measures are necessary.

Sources

See Exhibit A.

Initial Study – Environmental Checklist

III. AIR QUALITY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:</i>				
(a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The project site is located in the South Central Coast Air Basin (SCCAB) under the jurisdiction of the San Luis Obispo County Air Pollution Control District (SLOAPCD). The SLOAPCD has developed and updated a CEQA Air Quality Handbook (2012) and clarification memorandum (2017) to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, a Clean Air Plan has been adopted (Prepared by SLOAPCD)

San Luis Obispo County Clean Air Plan

The SLOAPCD's San Luis Obispo County 2001 Clean Air Plan (CAP) is a comprehensive planning document intended to evaluate long-term emissions and cumulative effects and provide guidance to the SLOAPCD and other local agencies on how to attain and maintain the state standards for ozone and PM10. The CAP presents a detailed description of the sources and pollutants which impact the jurisdiction's attainment of state standards, future air quality impacts to be expected under current growth trends, and an appropriate control strategy for reducing ozone precursor emissions, thereby improving air quality.

As proposed, the total area of disturbance would be 9,583 square feet. This would result in the creation of construction dust, as well as short and short-term vehicle emissions (construction equipment). According to the United States Department of Agriculture's Wind Erodibility Index, the wind erodibility of the soils which would be disturbed by the proposed project is "moderate."

The project would not be within close proximity (within 1,000 feet) to sensitive receptors including single-family residences that might result in nuisance complaints and be subject to limited dust and/or emission control measures during construction. The project would be within a quarter mile of a designated serpentine rock outcrops which may have the potential to contain naturally occurring asbestos.

Initial Study – Environmental Checklist

Discussion

(a) *Conflict with or obstruct implementation of the applicable air quality plan?*

As proposed, the project would result in the disturbance of approximately 9,583-square-feet. This will result in the creation of construction dust, as well as short- and short-term vehicle emissions during construction. The project would be moving less than 1,200 cubic yards/day of material and would disturb less than four acres of area, and therefore would be below the general thresholds triggering construction-related mitigation. The project is also not in close proximity to sensitive receptors that might otherwise result in nuisance complaints and be subject to limited dust and/or emission control measures during construction. From an operational standpoint, based on Table 1-1 of the CEQA Air Quality Handbook (2012), the project would not exceed operational thresholds triggering mitigation. The project is consistent with the general level of development anticipated and projected in the Clean Air Plan. Therefore, impacts related to conflict of an air quality plan would be less than significant.

(b) *Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?*

The County is within the South-Central Coast Air Basin, which is currently considered by the state as being in “non-attainment” (exceeding acceptable thresholds) for particulate matter (PM₁₀, or fugitive dust). Dust, or particulate matter less than ten microns (PM₁₀), that becomes airborne and finds its way into the lower atmosphere, can act as the catalyst in this chemical transformation to harmful ozone. The proposed project would result in the creation of dust through construction activities however, activity would be short term and would not result in a cumulatively considerable net increase in PM₁₀. Additionally, the project is small in scale and nature and is not expected to result in any other activities which may otherwise result in a cumulatively considerable net increase in PM₁₀.

(c) *Expose sensitive receptors to substantial pollutant concentrations?*

Sensitive receptors are people or other organisms that may have a significantly increased sensitivity or exposure to air pollution by virtue of their age and health (e.g. schools, day care centers, hospitals, nursing homes), regulatory status (e.g. federal or state listing as a sensitive or endangered species), or proximity to the source.

The nearest offsite residence is approximately 1,050 feet to the southeast. Residences may be occupied by sensitive receptors who could be exposed to diesel particulates and fugitive dust from construction activities. As stated above, the project would result in 9,583-square-feet of site disturbance and minimal grading. Because the project would be grading an area less than 4 acres and would be located more than 1,000 feet from sensitive receptors, the project would be subject to SLOAPCD Rule 401 which requires the project to manage fugitive dust emissions so that they do not exceed 20% opacity. Therefore, the project would not result in substantial air pollutant concentrations within close proximity to a sensitive receptor location and impacts would be less than significant.

Initial Study – Environmental Checklist

- (d) *Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?*

The project is not expected to result in any other emissions, such as those leading to odors. Additionally, due to the project's location in a low density, rural area, should any other emissions be produced by the project, no emissions created by the project should be great enough to adversely affect a substantial number of people.

Conclusion

The project would be consistent with the County Clean Air Plan and would not result in cumulatively considerable emissions of any criteria pollutant for which the County is in non-attainment. The project would not expose sensitive receptors to substantial pollutant concentrations or result in other emissions adversely affecting a substantial number of people. Therefore, the project would not result in significant adverse impacts related to Air Quality.

Mitigation

There is no evidence that measures above what will already be required by ordinance or codes are needed.

Sources

See Exhibit A.

Initial Study – Environmental Checklist

IV. BIOLOGICAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

Sensitive Resource Area Designations

Initial Study – Environmental Checklist

Federal and State Endangered Species Acts

The Federal Endangered Species Act of 1973 (FESA) provides legislation to protect federally listed plant and animal species. The California Endangered Species Act of 1984 (CESA) ensures legal protection for plants listed as rare or endangered, and wildlife species formally listed as endangered or threatened, and also maintains a list of California Species of Special Concern (SSC). SSC status is assigned to species that have limited distribution, declining populations, diminishing habitat, or unusual scientific, recreational, or educational value. Under state law, the CDFW has the authority to review projects for their potential to impact special-status species and their habitats.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) protects all migratory birds, including their eggs, nests, and feathers. The MBTA was originally drafted to put an end to the commercial trade in bird feathers, popular in the latter part of the 1800s. The MBTA is enforced by the U.S. Fish and Wildlife Service (USFWS), and potential impacts to species protected under the MBTA are evaluated by the USFWS in consultation with other federal agencies and are required to be evaluated under CEQA.

Clean Water Act and State Porter Cologne Water Quality Control Act

The U.S. Army Corps of Engineers (USACE) regulates discharges of dredged or fill material into waters of the United States. These waters include wetland and non-wetland water bodies that meet specific criteria. USACE jurisdiction regulates almost all work in, over, and under waters listed as “navigable waters of the U.S.” that results in a discharge of dredged or fill material within USACE regulatory jurisdiction, pursuant to Section 404 of the Clean Water Act (CWA). Under Section 404, USACE regulates traditional navigable waters, wetlands adjacent to traditional navigable waters, relatively permanent non-navigable tributaries that have a continuous flow at least seasonally (typically 3 months), and wetlands that directly abut relatively permanent tributaries.

The State Water Resources Control Board (SWRCB) and nine Regional Water Quality Control Boards (RWQCBs) regulate discharges of fill and dredged material in California, under Section 401 of the CWA and the State Porter-Cologne Water Quality Control Act, through the State Water Quality Certification Program. State Water Quality Certification is necessary for all projects that require a USACE permit, or fall under other federal jurisdiction, and have the potential to impact waters of the State. Based on the U.S. Fish and Wildlife Service National Wetlands Inventory, the project site does not support wetlands, riparian or deep-water habitats (USFWS 2019).

Conservation and Open Space Element

The intent of the goals, policies, and implementation strategies in the COSE is to identify and protect biological resources that are a critical component of the county’s environmental, social, and economic well-being. Biological resources include major ecosystems; threatened, rare, and endangered species and their habitats; native trees and vegetation; creeks and riparian areas; wetlands; fisheries; and marine resources. Individual species, habitat areas, ecosystems and migration patterns must be considered together in order to sustain biological resources. The COSE identifies Critical Habitat areas for sensitive species including California condor, California red legged frog, vernal pool fairy shrimp, La Graciosa thistle, Morro Bay kangaroo rat, Morro shoulderband snail, tiger salamander, and western snowy plover. The COSE also identifies features of particular importance to wildlife for movement corridors such as riparian corridors, shorelines of the coast and bay, and ridgelines. The project site does not provide habitat for Critical Habitat species.

Initial Study – Environmental Checklist

Site Setting

The property is composed of rolling hills. Huer Huero Creek runs north/south along the eastern portion of the property and two unnamed blue line tributaries to Huer Huero Creek (approximately 340 east) bisect the western portion of the property. All existing development (as well as proposed) is clustered near the center of the property within previously disturbed areas. The 68-acre property contains approximately 14 acres of oak trees outside of the developed area. No oak trees are proposed to be removed with this project.

The California Natural Diversity Database (CNDDDB) also this area as important habitat for the San Joaquin Kit Fox, a federally listed endangered species and a state listed threatened species. The kit fox is uncommon to rare. They reside in arid regions of the southern half of the state (Grinnell et al. 1937, Wilson and Ruff 1999:150). This usually nocturnal mammal lives in annual grasslands or grassy open stages of vegetation dominated by scattered brush, shrubs, and scrub. Kit foxes primarily are carnivorous, subsisting on black-tailed jackrabbits and desert cottontails, rodents (especially kangaroo rats and ground squirrels), insects, reptiles, and some birds, bird eggs, and vegetation (Egoscue 1962, Laughrin 1970, Morrell 1971, 1972, Orloff et al. 1986). Their cover is provided by dens they dig in open, level areas with loose-textured, sandy and loamy soils (Laughrin 1970, Morrell 1972). Pups are born in these dens in February through April. Pups are weaned at about 4-5 months. May not require a source of drinking water. Some agricultural areas may support these foxes. Potential predators are coyotes, large hawks and owls, eagles, and bobcats. Cultivation has eliminated much habitat. Kit foxes are vulnerable to many human activities, such as hunting, use of rodenticides and other poisons, off-road vehicles, and trapping.

The Kit Fox Evaluation, which was completed for this project on June 1, 2020 by Halden Petersen, indicates this project will impact 0.22 acres of San Joaquin kit fox habitat. The evaluation was reviewed by Jamie Marquez of the California Department of Fish and Game on August 17, 2020. The evaluation, complete with Mr. Marquez's changes, resulted in a score of 61, which requires that all impacts to kit fox habitat be mitigated at a ratio of 2 acres conserved for each acre impacted (2:1). The project will result in the permanent disturbance of 9,583-square-feet (0.22-acres) of kit fox habitat.

CEQA requires the County to evaluate potential impacts to kit foxes and other listed species from the project activities and requires the County to ensure that impacts to kit foxes and other listed species from project activities and requires the Count to ensure that impacts to kit foxes from project activities are mitigated to an insignificant level before a permit can be issued. Therefore, the County worked with the California Department of Fish and Wildlife (CDFW) to develop measures (mitigation measures) that will reduce impacts to kit fox habitat from these activities to an insignificant level.

The CNDDDB search for the property also identified special status plants and animal species to have the potential to occur within 5-miles of the subject property. Example of these include the shinning navarretia, Lemmon's jewelflower, least Bell's Vireo, Northern California legless lizard, and the western spadefoot toad.

A botanical report was not prepared for this project because the areas proposed for disturbance are previously, and continuously disturbed by existing operations. Additionally, after review of existing information along with a field visit, no botanical vegetations were observed in the areas of proposed development to warrant a botanical assessment.

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Discussion

- (a) *Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

The project site has been previously disturbed and, therefore, has a low potential for any special status species to be impacted by the development. However, the project will result in the permanent disturbance of 9,583-square-feet (0.22-acres) of kit fox habitat. The implementation of the below measures will mitigate biological impacts on San Joaquin Kit Fox to a level of insignificance.

- (b) *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?*

The project site has been previously disturbed, and it is outside the dripline of riparian vegetation.

- (c) *Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

Two blue line tributaries bisect the western section of the project parcel; however, the proposed project site has been previously disturbed, and development is set back a minimum of 335 feet from existing water courses.

- (d) *Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

The project has the potential to substantially interfere with the movement of the San Joaquin Kit Fox; however, through the use of the proposed mitigation measures, this interference will be minimized.

- (e) *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

The County of San Luis Obispo has adopted an oak woodland preservation ordinance; however, the project is not proposing the removal of oak trees or construction within 1.5 times the dripline of oak trees. Therefore, the project would have no impacts on local policies or ordinances protecting biological resources.

- (f) *Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

The project is not within or adjacent to a Habitat Conservation Plan area or the Natural Community Conservation Plan.

Conclusion

The Kit Fox Evaluation, which was completed for this project on June 1, 2020 by Halden Petersen, indicates this project will impact 0.22 acres of San Joaquin kit fox habitat. The evaluation was reviewed by Jamie Marquez of the California Department of Fish and Game on August 17, 2020. The evaluation, complete with Mr. Marquez's changes, resulted in a score of 61 which requires that all impacts to kit fox habitat be mitigated at a ratio of 2 acres conserved for each acre impacted (2:1). Total compensatory mitigation required for the project is 0.22 acres, based on 2 times 0.44 acres impacted. The mitigation options

Initial Study – Environmental Checklist

identified in BR-1 through BR-11 apply to the proposed project only; should the project change, your mitigation obligation may also change, and a reevaluation of your mitigation measures would be required.

The project is not expected to result in any adverse effects on other sensitive species and will not conflict with any existing policies or standards meant to protect biological resources. The implementation of the below measures will mitigate biological impacts on San Joaquin Kit Fox to a level of insignificance.

Mitigation Measures BR-1 and BR-11 address project impacts to San Joaquin Kit Fox.

Mitigation Measure BR-12 will address any potential impacts to nesting birds (including the least Bells vireo) that could be located in the oak trees outside of the proposed development area.

With the implementation of these mitigation measures, impacts to biological resources will be less than significant.

Mitigation

See Exhibit B for mitigation measures BR-1 through BR-12.

Sources

See Exhibit A.

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V. CULTURAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The project is located in an area historically occupied the Chumash tribal people. San Luis Obispo County possesses a rich and diverse cultural heritage and therefore has a wealth of historic and prehistoric resources, including sites and buildings associated with Native American inhabitation, Spanish missionaries, immigrant settlers, and military branches of the United States.

As defined by CEQA, a historical resource includes:

A resource listed in or determined to be eligible for listing in the California Register of Historical Resources (CRHR).

Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant. The architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural records of California may be considered to be a historical resource, provided the lead agency's determination is supported by substantial evidence.

Pursuant to CEQA, a resource included in a local register of historic resources or identified as significant in an historical resource survey shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

The proposed development would take place on previously disturbed areas located atop aggregate base and compacted sand.

Discussion

(a) *Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?*

Due to the existing condition of the project site and the scope of the project, it is unlikely that any historical resources are present on the project site. Therefore, impacts to historical resources will be less than significant.

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- (b) *Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?*

Due to the existing condition of the project site and the scope of the project, it is unlikely that any archaeological resources are present on the project site. In the unlikely event resources are uncovered during grading activities, implementation of LUO Section 22.10.040 (Archaeological Resources) would be required, which states:

In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:

A. Construction activities shall cease, and the Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.

B. In the event archaeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the County Coroner shall be notified in addition to the Department so proper disposition may be accomplished.

Should any materials be unearthed during grading, LUO Section 22.10.040 requires that work must stop until the encountered resource is analyzed and adequately mitigated before work may continue. Therefore, no impacts to cultural resources are anticipated.

- (c) *Disturb any human remains, including those interred outside of dedicated cemeteries?*

The nearest dedicated cemetery is the Paso Robles District Cemetery, located 3.56 miles to the west. Based on the low known sensitivity of the project site, and implementation of LUO Section 22.10.040, impacts to human remains are expected to be less than significant.

Conclusion

County land Use Ordinance Section 22.10.040 includes a provision that construction work cease in the event resources are unearthed with work allowed to continue once the issue is resolved. No significant archaeological or historical resource impacts are expected to occur.

Mitigation

No mitigation measures above what are already required by ordinance are necessary.

Sources

See Exhibit A.

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VI. ENERGY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

Pacific Gas & Electric Company (PG&E) is the primary electricity provider for urban and rural communities within the County of San Luis Obispo. Approximately 33% of electricity provided by PG&E is sourced from renewable resources and an additional 45% is sourced from greenhouse gas-free resources (PG&E 2019).

The County has adopted a Conservation and Open Space Element (COSE) that establishes goals and policies that aim to reduce vehicle miles traveled, conserve water, increase energy efficiency and the use of renewable energy, and reduce greenhouse gas emissions. This element provides the basis and direction for the development of the County's EnergyWise Plan (EWP), which outlines in greater detail the County's strategy to reduce government and community-wide greenhouse gas emissions through a number of goals, measures, and actions, including energy efficiency and development and use of renewable energy resources.

The EWP established the goal to reduce community-wide greenhouse gas emissions to 15% below 2006 baseline levels by 2020. Two of the six community-wide goals identified to accomplish this were to "[a]ddress future energy needs through increased conservation and efficiency in all sectors" and "[i]ncrease the production of renewable energy from small-scale and commercial-scale renewable energy installations to account for 10% of local energy use by 2020." In addition, the County has published an EnergyWise Plan 2016 Update to summarize progress toward implementing measures established in the EWP and outline overall trends in energy use and emissions since the baseline year of the EWP inventory (2006).

The California Building Code (CBC) contains standards that regulate the method of use, properties, performance, or types of materials used in the construction, alteration, improvement, repair, or rehabilitation of a building or other improvement to real property. The CBC includes mandatory green building standards for residential and nonresidential structures, the most recent version of which are referred to as the 2019 Building Energy Efficiency Standards. These standards focus on four key areas: smart residential photovoltaic systems, updated thermal envelope standards (preventing heat transfer from the interior to the exterior and vice versa), residential and nonresidential ventilation requirements, and non-residential lighting requirements.

The County LUO includes a Renewable Energy Area combining designation to encourage and support the development of local renewable energy resources, conserving energy resources and decreasing reliance on

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environmentally costly energy sources. This designation is intended to identify areas of the county where renewable energy production is favorable and establish procedures to streamline the environmental review and processing of land use permits for solar electric facilities (SEFs). The LUO establishes criteria for project eligibility, required application content for SEFs proposed within this designation, permit requirements, and development standards (LUO 22.14.100).

Discussion

- (a) *Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?*

The proposed project would utilize the existing power system supplying the current development. The energy use associated with the project would be within acceptable standards. Construction of the proposed project is not expected to result in any potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources. The project is required to meet the mandatory measures laid out in the 2016 California Green Building Standards Code (CCR Title 24, Parts 6 and 11). Therefore, impacts will be less than significant.

- (b) *Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?*

The proposed project would not interfere with the County of San Luis Obispo's EnergyWise Plan, which notes the emission reduction goals for the county by 2035 (San Luis Obispo County 2011). Therefore, impacts will be less than significant.

Conclusion

The project would not result in a significant energy demand during the construction phase or during operation. The project would not result in a conflict with state or local renewable energy or energy efficiency plans. Therefore, the project would not result in any potentially significant impacts related to energy.

Mitigation

There is no evidence that measures above what will already be required by ordinance or codes are needed.

Sources

See Exhibit A.

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VII. GEOLOGY AND SOILS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The Alquist-Priolo Earthquake Fault Zoning Act (Act) is a California state law that was developed to regulate development near active faults and mitigate the surface fault rupture potential and other hazards. The Act identifies active earthquake fault zones and restricts the construction of habitable structures over known active or potentially active faults. San Luis Obispo County is located in a geologically complex and seismically active region. The Safety Element of the County of San Luis Obispo General Plan identifies three active faults that traverse through the County and that are currently zoned under the State of California Alquist-Priolo Fault Zoning Act: the San Andreas, the Hosgri-San Simeon, and the Los Osos. The San Andreas Fault zone is located along the eastern border of San Luis Obispo County and has a length of over 600 miles. The Hosgri-San Simeon fault system generally consists of two fault zones: the Hosgri fault zone that is mapped off of the San Luis Obispo County coast; and the San Simeon fault zone, which appears to be associated with the Hosgri, and comes onshore near the pier at San Simeon Point. Lastly, the Los Osos Fault zone has been mapped generally in an east/west orientation along the northern flank of the Irish Hills.

The County's Safety Element also identifies 17 other faults that are considered potentially active or have uncertain fault activity in the County. The Safety Element establishes policies that require new development to be located away from active and potentially active faults. The element also requires that the County enforce applicable building codes relating to seismic design of structures and require design professionals to evaluate the potential for liquefaction or seismic settlement to impact structures in accordance with the Uniform Building Code.

Groundshaking refers to the motion that occurs in response to local and regional earthquakes. Groundshaking can endanger life and safety due to damage or collapse of structures or lifeline facilities. The California Building Code (CBC) currently requires structures to be designed to resist a minimum seismic force resulting from ground motion.

Liquefaction is the sudden loss of soil strength due to a rapid increase in soil pore water pressures resulting from groundshaking during an earthquake. Liquefaction potential increases with earthquake magnitude and groundshaking duration. Low-lying areas adjacent to creeks, rivers, beaches, and estuaries underlain by unconsolidated alluvial soil are most likely to be vulnerable to liquefaction. The CBC requires the assessment of liquefaction in the design of all structures. The project is located in an area with low potential for liquefaction, according to the County's Safety Element.

Landslides and slope instability can occur as a result of wet weather, weak soils, improper grading, improper drainage, steep slopes, adverse geologic structure, earthquakes, or a combination of these factors. Despite current codes and policies that discourage development in areas of known landslide activity or high risk of landslide, there is a considerable amount of development that is being impacted by landslide activity in the County each year. The County Safety Element identifies several policies to reduce risk from landslides and slope instability. These policies include the requirement for slope stability evaluations for development in areas of moderate or high landslide risk, and restrictions on new development in areas of known landslide

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activity unless development plans indicate that the hazard can be reduced to a less than significant level prior to beginning development. The project is located in an area with low potential for landslides.

Shrink/swell potential is the extent to which the soil shrinks as it dries out or swells when it gets wet. Extent of shrinking and swelling is influenced by the amount and kind of clay in the soil. Shrinking and swelling of soils can cause damage to building foundations, roads and other structures. A high shrink/swell potential indicates a hazard to maintenance of structures built in, on, or with material having this rating. Moderate and low ratings lessen the hazard accordingly. According the NRCS, the soils underlying the site are characterized as having a moderate erodibility and moderate shrink-swell characteristics, as well as having potential septic system constraints due to slow percolation.

The County LUO identifies a Geologic Study Area (GSA) combining designation for areas where geologic and soil conditions could present new developments and their users with potential hazards to life and property. All land use permit applicants located within a GSA are required to include a report prepared by a certified engineering geologist and/or registered civil/soils engineer as appropriate. This report is then required to be evaluated by a geologist retained by the County. In addition, all uses within a GSA are subject to special standards regarding grading and distance from an active fault trace within an Earthquake Fault Zone (LUO 22.14.070). The proposed project is located within GSA combining designation.

The County Conservation and Open Space Element (COSE) identifies a policy for the protection of paleontological resources from the effects of development by avoiding disturbance where feasible. Paleontological sensitivity is defined as the potential for a geologic unit to produce scientifically significant fossils.

The project site is gently sloping and the soils on the site have a moderate shrink-swell (expansive) potential. According to the County's Land Use View, the project site is not within the County's Geologic Study Area, and it has a low landslide risk and moderate liquefaction potential. There are no potentially active faults within a mile of the project site, and there are no notable geologic features on the project site, including serpentine or ultramafic rock/soils.

Discussion

(a) *Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:*

(a-i) *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.*

The project site is not located near to any potentially active faults as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map and therefore, it is unlikely that the project would create any substantial adverse effects involving the rupture of a known earthquake fault. Therefore, impacts would be less than significant.

(a-ii) *Strong seismic ground shaking?*

The project would be required to comply with the California Building Code (CBC) to ensure the effects of a potential seismic event would be minimized to the greatest extent feasible. Therefore, impacts would be less than significant.

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(a-iii) Seismic-related ground failure, including liquefaction?

According to the County Safety Element, the project site has moderate liquefaction potential.

(a-iv) Landslides?

The project site is gently to moderately sloping. Based on the County Safety Element Landslide Hazards Map is located in an area with low potential for landslide risk. Therefore, the project would not cause adverse effects involving landslides and impacts would be less than significant.

(b) Result in substantial soil erosion or the loss of topsoil?

The project would result in the disturbance of approximately 9,583 square-feet and does not include substantial grading or vegetation removal. During grading activities there would be a potential for erosion and sedimentation to occur. A sedimentation and erosion control plan is required for all construction and grading projects (LUO Section 22.52.120) to minimize potential impacts related to erosion and sedimentation, and includes requirements for specific erosion control materials, setbacks from creeks, and siltation. Upon implementation of the above control measures, as recommended by the county, impacts related to soil erosion and sedimentation would be reduced to less than significant.

(c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

Landslides typically occur in areas with steep slopes or in areas containing escarpments. Based on the Landslide Hazards Map provided in the County Safety Element, the project site is not located within an area with slopes susceptible to local failure.

The project would be required to comply with CBC seismic requirements to address potential seismic-related ground failure including lateral spread. Based on the County Safety Element and USGS data, the project is not located in an area of historical or current land subsidence (USGS 2019). Based on the County Safety Element Liquefaction Hazards Map, the project site is located in an area with moderate potential for liquefaction risk.

(d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

The project site is located on soils that have a low expansion potential. The project would also be required to comply with the most recent CBC requirements, which have been developed to property safeguard structures and occupants from land stability hazards, such as expansive soils. Therefore, the project will not create a substantial direct or indirect risk to life or property from soil expansion, and impacts will be less than significant.

(e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

The project site is located on soils that have potential septic system constraints due to slow percolation. The project will utilize an existing sewer line already servicing the parcel. Therefore, there would be no impact stemming from the installation of septic systems or waste water disposal systems.

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(f) *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

Due to the existing condition of the project site and the scope of the project, it is unlikely that any paleontological resources are present on the project site. No unique geologic features exist on the project site and would therefore not be affected. Therefore, impacts to paleontological resources and unique geologic features would be less than significant.

Conclusion

The proposed project is not expected to indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving any geologic hazards. The project would be required to comply with CBC requirements which have been developed to properly safeguard against seismic and geologic hazards. The project would not result in significant impacts related to geology or soils and no mitigation is necessary.

Mitigation

None required.

Sources

See Exhibit A.

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VIII. GREENHOUSE GAS EMISSIONS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

As noted in Section 3 Air Quality, the project site is located in the South Central Coast Air Basin (SCCAB) under the jurisdiction of the San Luis Obispo County Air Pollution Control District (SLOAPCD). The SLOAPCD has developed and updated a CEQA Air Quality Handbook (2012) and clarification memorandum (2017) to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, a Clean Air Plan has been adopted (prepared by APCD).

Greenhouse Gas (GHG) Emissions have been found to result in an increase in the earth's average surface temperature by exacerbating the naturally occurring "greenhouse effect" in the earth's atmosphere. The rise in global temperature has been projected to lead to long-term changes in precipitation, sea level, temperatures, wind patterns, and other elements of the earth's climate system. This phenomenon is commonly referred to as global climate change. These changes are broadly attributed to GHG emissions, particularly those emissions that result from human production and use of fossil fuels.

The passage of AB32, the California Global Warming Solutions Act (2006), recognized the need to reduce GHG emissions and set the greenhouse gas emissions reduction goal for the State of California into law. The law required that by 2020, State emissions must be reduced to 1990 levels. This is to be accomplished by reducing greenhouse gas emissions from significant sources via regulation, market mechanisms, and other actions. Subsequent legislation (e.g., SB97-Greenhouse Gas Emissions bill) directed the California Air Resources Board (CARB) to develop statewide thresholds.

In March 2012, the San Luis Obispo County Air Pollution Control District (APCD) approved thresholds for GHG emission impacts, and these thresholds have been incorporated the APCD's CEQA Air Quality Handbook. APCD determined that a tiered process for residential / commercial land use projects was the most appropriate and effective approach for assessing the GHG emission impacts. The tiered approach includes three methods, any of which can be used for any given project:

Qualitative GHG Reduction Strategies (e.g. Climate Action Plans): A qualitative threshold that is consistent with AB 32 Scoping Plan measures and goals; or,

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Bright-Line Threshold: Numerical value to determine the significance of a project's annual GHG emissions;
or,

Efficiency-Based Threshold: Assesses the GHG impacts of a project on an emissions per capita basis.

For most projects, the Bright-Line Threshold of 1,150 metric tons of carbon dioxide per year (MT CO₂e/year) will be the most applicable threshold. In addition to the residential/commercial threshold options proposed above, a bright-line numerical value threshold of 10,000 MT CO₂e/yr was adopted for stationary source (industrial) projects.

It should be noted that projects that generate less than the above-mentioned thresholds will also participate in emission reductions because air emissions, including GHGs, are under the purview of the CARB (or other regulatory agencies) and will be "regulated" either by CARB, the federal government, or other entities. For example, new vehicles will be subject to increased fuel economy standards and emission reductions, large and small appliances will be subject to more strict emissions standards, and energy delivered to consumers will increasingly come from renewable sources. Other programs that are intended to reduce the overall GHG emissions include Low Carbon Fuel Standards, Renewable Portfolio Standards, and the Clean Car Standards. As a result, even the emissions that result from projects that produce fewer emissions than the threshold will be subject to emission reductions.

Under CEQA, an individual project's GHG emissions will generally not result in direct significant impacts. This is because the climate change issue is global in nature. However, an individual project could be found to contribute to a potentially significant cumulative impact. Projects that have GHG emissions above the noted thresholds may be considered cumulatively considerable and require mitigation.

Discussion

- (a) *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*

This project is grading and construction for a guesthouse with an attached garage and a workshop. Using the GHG threshold information described in the Setting section, the project is expected to generate less than the Bright-Line Threshold of 1,150 metric tons of GHG emissions. Therefore, the project's potential direct and cumulative GHG emissions are found to be less significant and less than a cumulatively considerable contribution to GHG emissions. Section 15064(h)(2) of the CEQA Guidelines provide guidance on how to evaluate cumulative impacts. If it is shown that an incremental contribution to a cumulative impact, such as global climate change, is not 'cumulatively considerable,' and no mitigation is required. Because this project's emissions fall under the threshold, impacts would be less than significant.

- (b) *Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

The proposed project would not interfere with any applicable plans, policies, or regulations regarding greenhouse gas emissions including the County of San Luis Obispo's EnergyWise Plan, which notes the emission reduction goals for the county by 2035 (San Luis Obispo County 2011). Therefore, impacts would be less than significant.

Conclusion

The grading for the construction of a guesthouse with an attached garage and a workshop is not expected to generate any greenhouse gas emissions, directly or indirectly, that would have a significant impact on the

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environment. Additionally, the proposed project does not conflict with any applicable plans, policies, or regulations adopted for the purpose of reducing the emissions of greenhouse gases. Therefore, no mitigation is required.

Mitigation

There is no evidence that measures above what will already be required by ordinance or codes are needed.

Sources

See Exhibit A.

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IX. HAZARDS AND HAZARDOUS MATERIALS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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Setting

The project is within the Airport Review area due to its proximity to the Paso Robles Municipal Airport and is below the general flight pattern of the nearest airport. The project is not located in an area of known hazardous material contamination and is not on a site listed on the “Cortese List” (which is a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5) (SWRCB 2019; California Department of Toxic Substance Control [DTSC] 2019). The project is not located within a high fire hazard severity zone. Based on the County’s response time map, it will take approximately 5-10 minutes to respond to a call regarding fire or life safety.

Portions of the subject property are within the 100-year Flood Hazard Combining Designation (FH). This indicates that the Federal Emergency Management Agency (FEMA) has identified the area as one which has a 1-percent chance of becoming inundated by a flood event at least one time throughout the year. This is also referred to as the base flood or 100-year flood. The area in which the proposed project would be located is not within the 100-year flood hazard area and is at a great enough distance (430 feet) from the potential flood hazard area to not be considered at risk of hazards associated with periodic flooding.

Discussion

- (a) *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

The project does not propose the routine use, transport, or disposal of hazardous materials. Therefore, the project is not likely to create a significant hazard to the public or environment through exposure to hazardous materials, and impacts will be less than significant.

- (b) *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

Construction of the proposed project is anticipated to require use of limited quantities of hazardous substances, including gasoline, diesel fuel, hydraulic fluid, solvents, oils, paints, etc. Handling of these materials has the potential to result in an accidental release. Construction contractors would be required to comply with applicable federal and state environmental and workplace safety laws. Additionally, the construction contractor would be required to implement BMPs for the storage, use, and transportation of hazardous materials during all construction activities. Therefore, impacts would be less than significant.

- (c) *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*

The project does not propose the use of hazardous materials, nor the generation of hazardous emissions. Additionally, the project is not within one-quarter mile of an existing or proposed school. Therefore, impacts would be less than significant.

- (d) *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

The project is not located in an area of known hazardous material contamination and is not on a site listed on the “Cortese List” pursuant to Government Code Section 65962.5. Therefore, there would be no impact.

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- (e) *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?*

The project is within the Airport Review area due to its proximity to the Paso Robles Municipal Airport. The project meets all applicable policies outlined in the Paso Robles Municipal Airport Land Use Plan. Therefore, impacts would be less than significant.

- (f) *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

The project is not expected to conflict with any regional emergency response or evacuation plan. Therefore, impacts would be less than significant.

- (g) *Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?*

The project is not located within a High Fire Severity Zone. Based on the County's fire response time map, it will take approximately 5 to 10 minutes to respond to a call regarding fire or life safety. Additionally, the project will be subject to Fire Code Review at time of Building Permits (Dell Wells, Cal Fire / March 8, 2020). A Fire Safety plan prepared by County Fire/Cal Fire will be required to lessen fire risk within the project site. Therefore, fire-related impacts to project occupants would be less than significant.

Conclusion

The project is not expected to interfere with any adopted emergency response or evacuation plan. Finally, the threats posed by the project's location within a High Fire Hazard Severity Zone will be minimized to less than significant levels through the requirements set forth by Cal Fire.

Mitigation

There is no evidence that measures above what will already be required by ordinance or codes are needed.

Sources

See Exhibit A.

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X. HYDROLOGY AND WATER QUALITY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(i) Result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iv) Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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Setting

The topography of the property is gently to moderately sloping; however, the project site is relatively flat.

As described in the NRCS Soil Survey, the soil surface is considered to have moderate erodibility and is considered moderately well-drained. The project parcel is not within a groundwater basin. The closest creek (Huer Huero Creek) is approximately 340 feet to the west. The project site is not located within a 100-year flood zone.

For areas where drainage is identified as a potential issue, the Land Use Ordinance (LUO Sec. 22.52.110) includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows.

Soil type, area of disturbance, and slopes are key aspects to analyzing potential sedimentation and erosion issues. The project's soil types and descriptions are listed in the previous Agriculture section under "Setting."

A sedimentation and erosion control plan are required for all construction and grading projects (LUO Sec. 22.52.120) to minimize these impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Projects involving more than one acre of disturbance are subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is the local extension who monitors this program. When work is done in the rainy season, the County's Land Use Ordinance requires that temporary erosion and sedimentation measures to be installed.

The subject property is within the Estrella Area of the Paso Robles Ground Water Basin. The Paso Robles Ground Water Basin Resource Capacity Study (RCS) has found that the Basin's demand is approaching its safe yield. The RCS has also found that groundwater levels are generally dropping throughout the basin, resulting in dry wells and causing property owners to drill deeper wells. The Board of Supervisors (The Board) has directed several actions in order to address the continuing groundwater problems. These actions would 1) allow no further creation of additional rural parcels that will raise the demand for water in the basin; 2) require discretionary land uses to offset new pumping from the basin; 3) develop a special landscape irrigation ordinance for the basin area; and 4) establish specific growth limits in the basin. The Board determined that ministerial development such as construction of single-family residences will not require special attention to water use beyond what is required in the Building Ordinance and existing Land Use Ordinance requirements. The County of San Luis Obispo created the Countywide Water Conservation Program (CWWCP) in October of 2015, which requires that all new urban and rural development within the PRGWB offset new water use at a minimum 1:1 ratio through the purchase of water offset credits prior to construction permit issuance. The County's Land Use Ordinance requires that discretionary land use permits within the North County Planning Area and within the Paso Robles Groundwater Basin, offset new water use at a ratio of 2:1.

Discussion

- (a) *Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?*

With regards to project impacts on water quality, the following conditions apply:

Approximately 9,583-square-feet of site disturbance;

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The project will be subject to standard County requirements for drainage, sedimentation and erosion control for construction and permanent use;

The project is on soils with moderate erodibility, but not on moderate to steep slopes;

The project is not within a 100-year Flood Hazard designation;

The project is approximately 340 feet from the closest creek.

All hazardous materials and/or wastes will be properly stored onsite, which include secondary containment should spills or leaks occur; and

Stockpiles will be properly managed during construction to avoid material loss due to erosion.

Erosion control measures to be implemented during construction include a permanent erosion control blanket to reduce surficial erosion of the slopes and allow for vegetation growth on the slopes.

Implementation of Land Use Ordinance Section 22.52.110 and Section 22.52.120 will help ensure less than significant impacts to water quality standards and surface and ground water quality.

- (b) *Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?*

The project is within the Paso Robles Groundwater Basin (PRGWB) and is subject to the Countywide Water Conservation Program (CWWCP) which requires that all new urban and rural development within the PRGWB offset new water use at a minimum 1:1 ratio through the purchase of water offset credits prior to construction permit issuance. It is expected that this offset will effectively limit the impact that the project would have on groundwater supplies and its interference with groundwater recharge. Therefore, impacts would be less than significant.

- (c) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:*

- (c-i) *Result in substantial erosion or siltation on- or off-site?*

The proposed project is not expected to result in any substantial erosion or siltation on or off site.

- (c-ii) *Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?*

The proposed project is not expected to result in substantial increases to the rate or amount of surface runoff which could result in flooding on or off site.

- (c-iii) *Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?*

The proposed project would be outside of the 100-year flood hazard area. The project would be located at a distance that is far enough away from the potential flood area to not be considered at risk of hazards associated with periodic flooding, including the possible release of pollutants. Therefore, impacts would be less than significant.

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(c-iv) Impede or redirect flood flows?

The project is outside of the 100-year flood hazard area, and a drainage plan is required to ensure flood flows remain on site and are managed appropriately. Therefore, the project is not expected to impede or redirect flood flows. No impacts are anticipated.

(d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

As discussed in the previous section (Hazards and Hazardous Materials), portions of the subject property are within the 100-year Flood Hazard Combining Designation (FH). The area in which the project is proposed is not within the 100-year flood hazard area and is at a great enough distance from the potential flood area to not be considered at risk of hazards associated with periodic flooding, including the possible release of pollutants. No impacts are anticipated.

The project is not located in an area known to be at risk of tsunamis and is not located near any water bodies that may pose the risk of seiche.

(e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

The Board determined that ministerial development such as construction of single-family residences, guesthouses, etc. will not require special attention to water use beyond what is required in the Building Ordinance and existing Land Use Ordinance requirements.

Conclusion

Based on the proposed amount of water to be used and the water source, which is for one guesthouse, no significant impacts from water use are anticipated because this is a low water use. Additionally, the County of San Luis Obispo created the Countywide Water Conservation Program (CWWCP) in October of 2015 which requires that all new urban and rural development within the Paso Robles Ground Water Basin offset new water use at a minimum 1:1 ratio through the purchase of water offset credits prior to construction permit issuance. The County's Land Use Ordinance requires that discretionary land use permits within the North County Planning Area and within the Paso Robles Groundwater Basin, offset new water use at a ratio of 2:1.

The proposed project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. It would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge.

The project would not substantially alter the existing drainage pattern of the site or area in a manner which would result in substantial erosion, siltation, surface runoff, or impede or redirect flood flows.

The project would not risk release of pollutants due to project inundation or conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

Mitigation

There is no evidence that measures above what will already be required by ordinance or codes are needed.

Sources

See Exhibit A.

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XI. LAND USE AND PLANNING

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The proposed project would be located in an area designated Agricultural by the County of San Luis Obispo. The project site is surrounded by large agricultural parcels and rural residences. The proposed project was reviewed for consistency with policy and regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance, North County Area Plan, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., Cal Fire, Environmental Health, Public Works, Agricultural Department, Airport Land Use Commission and Native American Tribes.). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used).

Discussion

(a) *Physically divide an established community?*

The project is located outside of an existing community, within a rural, unincorporated area. The property is not located in such a way as to cause the physical divide of any established community. Therefore, impacts would be less than significant.

(b) *Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?*

The project does not conflict with any land use plan, policy, or regulation in such a way that would cause a significant environmental impact which would not be otherwise addressed and mitigated through measures proposed within this document. Therefore, impacts would be less than significant.

Conclusion

No significant land use or planning impacts would occur.

Mitigation

None required.

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Sources

See Exhibit A.

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XII. MINERAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Result in the loss of availability of a locally- important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting

The County Land Use Ordinance provides regulations for development in delineated Energy and Extractive Resource Areas (EX) and Extractive Resource Areas (EX1). The proposed project is not located within an EX or EX1 designation. Based on the California Geological Survey (CGS) Information Warehouse for Mineral Land Classification, the project site is located within an Aggregate Materials study area which covers the majority of the county.

Discussion

- (a) *Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?*

It is unlikely that the proposed project will result in the loss of a valuable mineral resource due to the lack of record of such mineral on site. Therefore, impacts would be less than significant.

- (b) *Result in the loss of availability of a locally- important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?*

Based on Chapter 6 of the County of San Luis Obispo General Plan Conservation and Open Space Element – Mineral Resources, the project site is not located within an extractive resource area or an energy and extractive resource area, and the site is not designated as a mineral resource recovery site.

Conclusion

There is no evidence that measures above what will already be required by ordinance or codes are needed.

Mitigation

None required.

Sources

See Exhibit A.

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XIII. NOISE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project result in:</i>				
(a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting

The existing ambient noise environment is characterized by light traffic on Union Road, as well as agricultural equipment from surrounding properties. Noise-sensitive land uses typically include residences, schools, nursing homes, and parks. The nearest existing off-site noise-sensitive land uses are residences located approximately 1,000 feet to the east and south of the project site.

The project site is located within an Airport Review Area, with the nearest airport, Paso Robles Municipal Airport, located 2.3 miles north of the project site, and is subject to applicable development standards. The Paso Robles airport does not currently offer scheduled commercial flights.

The County Land Use Ordinance Section 22.10.120 establishes maximum allowed noise levels for both daytime (7 a.m. to 10 p.m.) and nighttime (10 p.m. to 7 a.m.) hours, as shown below. The maximum allowed exterior hourly noise level is 50 db for the daytime hours and 45 db for the nighttime hours.

Discussion

- (a) *Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

The construction and use of the proposed project is not expected to generate any substantial temporary or permanent increases in ambient noise levels in excess of standards established in the local general plan or noise ordinance.

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Based on the Noise Element's projected future noise generation from known stationery and vehicle-generated noise sources, the project is within an acceptable threshold area.

Project construction activities would also generate short-term (temporary) construction noise. These activities would be limited to the daytime hours of 7:00 a.m. to 9:00 p.m. Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturday or Sunday, in accordance with County construction noise standards (County Code Section 22.10.120.A).

Therefore, impacts would be less than significant.

(b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

The construction and use of the proposed project is not expected to result in any excessive groundborne vibrations or noise. Therefore, impacts would be less than significant.

(c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

The project is located within an Airport Review Area for the Paso Robles Municipal Airport. The project site is approximately 2.3 miles to the south of Paso Robles Municipal Airport. Due to the small size and limited use of Paso Robles Municipal Airport and the project distance from it, the project likely would not result in excessive noise for people residing or working in the project area. Therefore, impacts would be less than significant.

Conclusion

The project would not result in activity that would create noise (groundborne or otherwise) or vibrations that would be in excess of any established standards. No significant noise-related impacts are anticipated.

Mitigation

There is no evidence that measures above what will already be required by ordinance or codes are needed.

Sources

See Exhibit A.

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XIV. POPULATION AND HOUSING

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

In its efforts to provide for affordable housing, the County currently administers the Home Investment Partnerships Program (HOME) and the Community Development Block Grant (CDBG) Program, which provides limited financing to projects relating to affordable housing throughout the county. The County's Inclusionary Housing Ordinance requires provision of new affordable housing in conjunction with both residential and nonresidential development and subdivisions.

Discussion

- (a) *Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

The project is not expected to cause any substantial population growth as it would only be providing a guesthouse. Therefore, impacts would be less than significant.

- (b) *Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

The proposed project proposes construction of a workshop and guesthouse with an attached garage and would not result in the displacement of existing people or housing, and would therefore not necessitate the construction of replacement housing elsewhere. Therefore, impacts would be less than significant.

Conclusion

The project will not result in a need for a significant amount of new housing and will not displace existing housing.

Mitigation

There is no evidence that measures above what will already be required by ordinance or codes are needed.

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Sources

See Exhibit A.

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XV. PUBLIC SERVICES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting

The project area is served by the City of Paso Robles Police Department and the City of Paso Robles Fire Department as the primary emergency responders. The project is located in a Local Responsibility Area for fire protection. Fire hazard severity is high and emergency response times are between 5-10 minutes. The project is within the Paso Robles Joint Unified School District.

Discussion

- (a) *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:*

Fire protection?

The proposed project was reviewed by County Fire/Cal Fire for consistency with the Uniform Fire Code and will be required to adhere to the requirements of Uniform Fire Code. The proposed project, along with other projects in the area, will result in a cumulative effect on fire protection services. The project's direct and cumulative impacts are within the general assumptions of allowed use for the subject property that was used to estimate the public facility fees in place. Therefore, impacts would be less than significant.

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Police protection?

The proposed project, along with other projects in the area, would result in a cumulative effect on police protection services. The project's direct and cumulative impacts would be within the general assumptions of allowed use for the subject property that was used to estimate the public facility fees in place. Therefore, impacts would be less than significant.

Schools?

The proposed project would not result in the need for new housing and would not result in population growth. Therefore, there will be no impact to existing schools or a need for new school facilities.

Parks?

The proposed project would not result in the need for new housing and would not result in population growth. Therefore, there will be no impact to existing parks or a need for new park facilities.

Other public facilities?

No other public facility concerns are presented by this project.

Conclusion

No significant project-specific impacts to the above-mentioned public services were identified.

Mitigation

There is no evidence that measures above what will already be required by ordinance or codes are needed.

Sources

See Exhibit A.

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XVI. RECREATION

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The County of San Luis Obispo Parks and Recreation Element (Recreation Element) establishes goals, policies, and implementation measures for the management, renovation, and expansion of existing, and the development of new, parks and recreation facilities in order to meet existing and projected needs and to assure an equitable distribution of parks throughout the county. According to the Recreation Element, the project site is located within Shandon to Barney Schwartz and the Salinas River proposed trail corridor.

Discussion

- (a) *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*

Construction of the proposed project would not have an adverse effect on existing or planned recreational opportunities in the county. The project would not result in the need for new housing and would not result in population growth, and therefore would not create a significant need for additional parks, natural areas, and/or recreational resources. Therefore, there will be no impacts to recreational facility use.

- (b) *Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?*

The proposed project does not include recreational facilities or require construction of expansion of existing facilities. Therefore, there will be no impacts.

Conclusion

No significant impacts to recreational resources would occur.

Mitigation

None required

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Sources

See Exhibit A.

Initial Study – Environmental Checklist

XVII. TRANSPORTATION

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The project is within the County's Airport Review combining designation (AR). The AR is used to recognize and minimize the potential conflict between new development around the Paso Robles Municipal Airport and the ability of aircraft to safely and efficiently maneuver to and from this airport. This includes additional standards relating to limiting structure and vegetation heights as well as avoiding airport operation conflicts (e.g., exterior lighting, radio/electronic interference, etc.). The Airport Land Use Plan (ALUP) provides guidance for and limitations to the type of development allowed within the AR designation. The proposed development is considered a prohibited use under the Paso Robles Municipal Airport Land Use Plan (ALUP), however the plan states that existing parcels are entitled to be occupied by existing or new residential dwellings in accordance with General Plan and Zoning in effect as of January 1, 2005.

All projects within the AR designation are required to obtain an avigation easement to secure navigable airspace.

Access to the site is provided by Union Road, a County maintained roadway and an extension to the existing driveway would provide direct access to the proposed single-family residence. Union Road is operating at acceptable levels.

Discussion

- (a) *Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?*

The project does not conflict with adopted policies, plans and programs related to transportation, would not affect air traffic patterns or policies related to public transit, bicycle, or pedestrian facilities.

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(b) *Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?*

CEQA Guidelines section 15064.3 does not apply until July 1, 2020 and the County has not elected to be governed by the provisions of this section in the interim. The project would result in the creation of a guesthouse with an attached garage and a workshop. It is not expected that there would be any significant increase in Vehicle Miles Traveled as a result of the establishment of these uses. This is because neither use is considered a vehicle dependent form of development. Therefore, the project would not substantially increase hazards and would have a less than significant impact.

(c) *Result in inadequate emergency access?*

Union Road and the project site's access road are currently able to accommodate emergency vehicles. The project would have the highest risk of emergencies during construction, which would be temporary. The project would not block or alter egress routes for surrounding residents. Therefore, impacts related to emergency access would be less than significant.

Conclusion

No significant transportation-related impacts are expected to occur.

Mitigation

None required.

Sources

See Exhibit A.

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XVIII. TRIBAL CULTURAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
(i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

Approved in 2014, Assembly Bill 52 (AB 52) added tribal cultural resources to the categories of resources that must be evaluated under CEQA. Tribal cultural resources are defined as either of the following:

- 1) Sites, features, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
 - a. Included or determined to be eligible for inclusion in the California Register of Historical Resources; or
 - b. Included in a local register of historical resources as defined in subdivision (k) of California Public Resources Code Section 5020.1.

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- 2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of California Public Resources Code Section 5024.1. In applying these criteria for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American Tribe.

There are no known tribal cultural resources within the immediate project site area. Compliance with the LUO would ensure potential impacts to cultural resources would be reduced to less than significant. In the consultation with the tribal representative, it was agreed that LUO Section 22.10.040 standards for archeological resources discovery during construction activities are sufficient to mitigate potential impacts to cultural resources, in the event of a discovery. No significant cultural resource impacts are expected to occur, and no mitigation measures above what area already required by ordinance are necessary.

Discussion

- (a) *Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:*

- (a-i) *Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?*

The proposed construction will occur over previously disturbed areas. The 3,000 square foot workshop expansion area is currently covered with aggregate base. The 600 square foot guesthouse and 2,000 square foot attached garage is proposed over an existing softball field covered in compacted sand. Based on the existing conditions and minimal site disturbance, impacts to historical resources and tribal historical resources would be *less than significant*.

- (a-ii) *A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.*

In the unlikely event resources are uncovered during grading activities, implementation of LUO Section 22.10.040 (Archaeological Resources) would be required, which states:

In the event archeological resources are unearthed or discovered during any construction activities, the following standards apply:

A. Construction activities shall cease, and the Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.

B. In the event archeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the County Coroner shall be notified in addition to the Department so proper disposition may be accomplished.

Therefore, impacts are expected to be *less than significant*.

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Conclusion

No significant impacts on tribal cultural resources would occur. In the event of an unanticipated discovery of tribal resources during earth-moving activities, compliance with the LUO would ensure potential impacts would be reduced to less than significant.

Mitigation

There is no evidence that measures above what will already be required by ordinance or codes are needed.

Sources

See Exhibit A.

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XIX. UTILITIES AND SERVICE SYSTEMS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The project proposes the construction of a guesthouse with an attached garage and a workshop. The project proposes the use of an on-site septic system, an on-site well for water supply, and the replacement and expansion of existing underground electrical.

Regulations and guidelines on proper wastewater system design and criteria are found within the Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (California OWTS Policy), and the California Plumbing Code. For onsite wastewater treatment (septic) systems, there are several key factors to consider for a system to operate successfully, including the following:

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- Sufficient land area to meet the criteria for as currently established in Tier 1 Standards of the California OWTS Policy; depending on rainfall amount, and percolation rate, required parcel size minimums will range from one acre to 2.5 acres;
- The soil's ability to percolate or "filter" effluent before reaching groundwater supplies (30 to 120 minutes per inch is ideal);
- The soil's depth (there needs to be adequate separation from bottom of leach line to bedrock [at least 10 feet] or high groundwater [5 feet to 50 feet depending on percolation rates]);
- The soil's slope on which the system is placed (surface areas too steep creates potential for daylighting of effluent);
- Potential for surface flooding (e.g., within 100-year flood hazard area);
- Distance from existing or proposed wells (between 100 and 250 feet depending on circumstances); and
- Distance from creeks and water bodies (100-foot minimum)

The subject property is within the Estrella Area of the Paso Robles Ground Water Basin. The Paso Robles Ground Water Basin Resource Capacity Study (RCS) has found that the Basin's demand is approaching its safe yield. The RCS has also found that groundwater levels are generally dropping throughout the basin, resulting in dry wells and causing property owners to drill deeper wells. The Board of Supervisors (The Board) has directed several actions in order to address the continuing groundwater problems. These actions would 1) allow no further creation of additional rural parcels that will raise the demand for water in the basin; 2) require discretionary land uses to offset new pumping from the basin; 3) develop a special landscape irrigation ordinance for the basin area; and 4) establish specific growth limits in the basin.

The Board determined that ministerial development such as construction of single-family residences will not require special attention to water use beyond what is required in the Building Ordinance and existing Land Use Ordinance requirements. The County of San Luis Obispo created the Countywide Water Conservation Program (CWWCP) in October of 2015 which requires that all new urban and rural development within the PRGWB offset new water use at a minimum 1:1 ratio through the purchase of water offset credits prior to construction permit issuance. The County's Land Use Ordinance requires that discretionary land use permits within the North County Planning Area and within the Paso Robles Groundwater Basin, offset new water use at a ratio of 2:1. Payment of the in lieu fee will be paid with each building permit application.

Discussion

- (a) *Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*

The project proposes the use of an existing on-site well and wastewater disposal system and would not require the expansion of existing community facilities. Therefore, impacts would be less than significant.

- (b) *Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?*

The project would be subject to the County's Title 19 (Building and Construction Ordinance, Sec. 19.20.238), which states that no grading or building permit shall be issued until either the water

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purveyor provides a written statement that potable water service will be provided (community systems), or an on-site well is installed, tested, and certified to meet minimum capacity requirements and Health Department approval.

The project proposes the use of an on-site well to obtain water. The existing well was previously approved by Environmental Health Department. The project is a guesthouse which is expected to use a relatively small amount of water each year.

Additionally, to conserve water, the project will be subject to the County's Title 19 (Building and Construction Ordinance, Sec. 19.20.240), which requires specific water-conserving fixtures for domestic use. Therefore, impacts would be less than significant.

- (c) *Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?*

The project proposes the use of an existing on-site wastewater treatment system. Therefore, no additional demand will be added to the community's provider's existing commitments.

- (d) *Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?*

The proposed project is which is expected to generate a limited amount of solid waste and will likely not result in the impairment of solid waste reduction goals. Therefore, impacts would be less than significant.

- (e) *Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?*

The project is required to abide by federal, state, and local management reduction statutes and regulations related to solid waste. Therefore, the project will comply with all statutes and regulations related to solid waste, and impacts will be less than significant.

Conclusion

The project would utilize existing on-site water and sewage systems and will not generate excessive amounts of solid waste. Payment of the in lieu fee will be paid with each building permit application. Therefore, impacts would be less than significant. No significant impacts related to utilities and service systems would occur.

Mitigation

There is no evidence that measures above what will already be required by ordinance and codes are needed.

Sources

See Exhibit A.

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XX. WILDFIRE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:</i>				
(a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The project is located within a local responsibility area and is located approximately 5-10 minutes from the closest Cal Fire / County Fire station.

The topography of the project site is gently rolling and devoid of vegetation which does not accelerate the spread of wildfire.

Figure 3: Project Site Location



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According to information provided by the El Pomar-Estrella Area Plan Update, the climate of the region (central San Luis Obispo County) is characterized as Mediterranean, with warm dry summers and cool, damp winters. Climate data from Paso Robles (three miles west of the planning area) indicate the coolest month is December with an average low of 33° F, and the warmest month is July and August with an average high of 94 F. The average annual rainfall is 13.1 inches, with 95 percent falling between October and April. This indicates hotter and drier conditions for fuel which will more easily ignite.

Discussion

(a) *Substantially impair an adopted emergency response plan or emergency evacuation plan?*

The project is not expected to conflict with any regional emergency response or evacuation plan because the project involves construction of workshop, and a garage with an attached guesthouse. Therefore, impacts would be less than significant.

(b) *Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?*

The proposed project site is located in an area of moderate wind, with an average annual windspeed of 7.6 mph (Weather Spark). The proposed project would have the highest fire risk during construction as construction vehicles have the ability to spark wildfires when operating machinery around dry vegetation. However, the proposed development would take place on previously disturbed and graded areas with no vegetation which will lower these risks.

Additionally, the project will be subject to Fire Code Review at time of Building Permits (Dell Wells, Cal Fire / March 8, 2020). A Fire Safety plan prepared by County Fire/Cal Fire will be required to lessen fire risk within the project site. Therefore, fire-related impacts to project occupants would be less than significant.

(c) *Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?*

Existing local roads and onsite driveways would be used for access and new roads would not be constructed. The proposed project would utilize existing power connections and water sources. Environmental and fire-related impacts due to installation of new infrastructure would be less than significant.

(d) *Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?*

The risk to structures would be low due to a low landslide and liquefaction risk, location outside a 100-year flood zone, and distance from nearby streams. A Storm Water Control Plan and stormwater management will be required. These measures are required through ordinance standards. Therefore, impacts are expected to be *less than significant*.

Conclusion

The project is not expected to result in any significant issues relating to wildfire.

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Mitigation

There is no evidence that measures above what will already be required by ordinance or codes are needed.

Sources

See Exhibit A.

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XXI. MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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Discussion

- (a) *Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

The project has the potential to impact Biological Resources, specifically the San Joaquin kit fox and its habitat. Mitigation Measures BR-1 through BR-12 address these concerns and reduce impacts to the San Joaquin kit fox to less than significant levels.

- (b) *Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?*

Potential cumulative impacts of the proposed project have been analyzed within the discussion sections of each environmental resource area. Cumulative impacts associated with the proposed project would be minimized to less than significant levels through ordinance requirements and the implementation of proposed mitigation measures.

- (c) *Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

The project's environmental impacts which might result in adverse effects on human beings, either directly or indirectly, have been analyzed in the discussion section of each environmental resource area. There are no significant impacts to human beings anticipated.

Conclusion

The proposed project has the potential to have significant impacts to biological resources. However, with the inclusion of mitigation measures, impacts would be mitigated to less than significant.

Mitigation

See mitigation measures BIO-1 – BIO-12, which would reduce biological resource impacts to less than significant.

Sources

See Exhibit A.

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Exhibit A - Initial Study References and Agency Contacts

The County Planning Department has contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an ☒) and when a response was made, it is either attached or in the application file:

Contacted	Agency	Response
<input checked="" type="checkbox"/>	County Public Works Department	In File**
<input type="checkbox"/>	County Environmental Health Services	Not Applicable
<input checked="" type="checkbox"/>	County Agricultural Commissioner's Office	In File**
<input type="checkbox"/>	County Airport Manager	Not Applicable
<input checked="" type="checkbox"/>	Airport Land Use Commission	None
<input type="checkbox"/>	Air Pollution Control District	Not Applicable
<input type="checkbox"/>	County Sheriff's Department	Not Applicable
<input type="checkbox"/>	Regional Water Quality Control Board	Not Applicable
<input type="checkbox"/>	CA Coastal Commission	Not Applicable
<input checked="" type="checkbox"/>	CA Department of Fish and Wildlife	In File**
<input checked="" type="checkbox"/>	CA Department of Forestry (Cal Fire)	In File**
<input type="checkbox"/>	CA Department of Transportation	Not Applicable
<input type="checkbox"/>	Community Services District	Not Applicable
<input checked="" type="checkbox"/>	Other Building Division	In File**
<input checked="" type="checkbox"/>	Other Native American Consultation	None

** "No comment" or "No concerns"-type responses are usually not attached

The following checked ("☒") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

<input checked="" type="checkbox"/> Project File for the Subject Application	<input type="checkbox"/> Design Plan
<input checked="" type="checkbox"/> County Documents	<input type="checkbox"/> Specific Plan
<input type="checkbox"/> Coastal Plan Policies	<input type="checkbox"/> Annual Resource Summary Report
<input type="checkbox"/> Framework for Planning (Coastal/Inland)	<input type="checkbox"/> Circulation Study
<input checked="" type="checkbox"/> General Plan (Inland /Coastal), includes all maps/elements; more pertinent elements:	<input checked="" type="checkbox"/> Other Documents
<input checked="" type="checkbox"/> Agriculture Element	<input checked="" type="checkbox"/> Clean Air Plan/APCD Handbook
<input checked="" type="checkbox"/> Conservation & Open Space Element	<input checked="" type="checkbox"/> Regional Transportation Plan
<input type="checkbox"/> Economic Element	<input checked="" type="checkbox"/> Uniform Fire Code
<input checked="" type="checkbox"/> Housing Element	<input checked="" type="checkbox"/> Water Quality Control Plan (Central Coast Basin – Region 3)
<input checked="" type="checkbox"/> Noise Element	<input checked="" type="checkbox"/> Archaeological Resources Map
<input checked="" type="checkbox"/> Parks & Recreation Element/Project List	<input type="checkbox"/> Area of Critical Concerns Map
<input checked="" type="checkbox"/> Safety Element	<input type="checkbox"/> Special Biological Importance Map
<input checked="" type="checkbox"/> Land Use Ordinance (Inland /Coastal)	<input checked="" type="checkbox"/> CA Natural Species Diversity Database
<input checked="" type="checkbox"/> Building and Construction Ordinance	<input checked="" type="checkbox"/> Fire Hazard Severity Map
<input checked="" type="checkbox"/> Public Facilities Fee Ordinance	<input checked="" type="checkbox"/> Flood Hazard Maps
<input type="checkbox"/> Real Property Division Ordinance	<input checked="" type="checkbox"/> Natural Resources Conservation Service Soil Survey for SLO County
<input checked="" type="checkbox"/> Affordable Housing Fund	<input checked="" type="checkbox"/> GIS mapping layers (e.g., habitat, streams, contours, etc.)
<input checked="" type="checkbox"/> Paso Robles Airport Land Use Plan	<input type="checkbox"/> Other
<input checked="" type="checkbox"/> Energy Wise Plan	
<input checked="" type="checkbox"/> North County Area Plan/El Pomar-Estrella SA	

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In addition, the following project-specific information and/or reference materials have been considered as a part of the Initial Study:

Biological Kit Fox Habitat Evaluation for 2225 Kit Fox Lane for DRC2019-00265. Terra Verda. June 1, 2020.

California Department of Conservation (DOC). 2019. Farmland Mapping and Monitoring Program - DLRP Important Farmland Finder. Accessed on: June 14, 2019. Available at: <<https://maps.conservation.ca.gov/DLRP/CIFF/>>

California Department of Fish and Wildlife (CDFW). 2018. CDFW Lands Viewer. Accessed on July 1, 2019. Available at: < <https://apps.wildlife.ca.gov/lands/>>

California Department of Fish and Wildlife (CDFW). 2019. California Natural Diversity Database BIOS Viewer. Accessed on June 18, 2019. Available at: < <https://apps.wildlife.ca.gov/bios/?bookmark=327>>

California State Water Resources Control Board. 2019. Geotracker. Accessed on June 18, 2019. Available at: <<http://geotracker.waterboards.ca.gov>>

California Department of Toxic Substances Control (DTSC). 2019. EnviroStor. Accessed on June 18, 2019. Available at: <<https://www.envirostor.dtsc.ca.gov/public/>>

California Department of Transportation (Caltrans). 2008. Scenic Highway Guidelines. October 2008.

California Department of Conservation (DOC). California Geological Survey Information Warehouse for Mineral Land Classification. 2019. Accessed on June 18, 2019. Available at <<https://maps.conservation.ca.gov/cgs/informationwarehouse/mlc/>>

CalRecycle. May 14, 2019. SWIS Facility Detail. Accessed on June 18, 2019. Available at: <<https://www2.calrecycle.ca.gov/swfacilities/Directory/40-AA-0008>>

County of San Luis Obispo. 2011. EnergyWise Plan. Available at <<https://www.slocounty.ca.gov/Departments/Planning-Building/Energy-and-Climate/Energy-Climate-Reports/EnergyWise-Plan.aspx>> Accessed on: June 3, 2019.

Pacific Gas and Electric (PG&E). 2019. Delivering Low-Emission Energy. Available at: https://www.pge.com/en_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page

San Luis Obispo Air Pollution Control District (SLOAPCD). 2012. CEQA Air Quality Handbook. Accessed on June 14, 2019. Available at: < https://storage.googleapis.com/slocleanair-org/images/cms/upload/files/CEQA_Handbook_2012_v2%20%28Updated%20Map2019%29_LinkedwithMemo.pdf>

San Luis Obispo Air Pollution Control District (SLOAPCD). 2017. CEQA Air Quality Handbook Clarification Memo. Accessed on June 14, 2019. Available at: < https://storage.googleapis.com/slocleanair-org/images/cms/upload/files/FINAL_Clarification%20Memorandum%2020172.pdf>

U.S. Fish and Wildlife Service (USFWS). 2019. National Wetlands Inventory Surface Waters and Wetlands. June 5, 2019. Available at: <<https://www.fws.gov/wetlands/data/Mapper.html>>

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Weather Spark. 2018. Average Weather in Templeton, California. Access on June 30, 2019. Available at: <
<https://weatherspark.com/y/1290/Average-Weather-in-Templeton-California-United-States-Year-Round>>

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Exhibit B - Mitigation Summary

The applicant has agreed to incorporate the following measures into the project. These measures become a part of the project description and therefore become a part of the record of action upon which the environmental determination is based. All development activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

Biological Resources

BR-1 Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building, Environmental and Resource Management Division (County) (see contact information below) that states that one or a combination of the following three San Joaquin kit fox mitigation measures has been implemented:

- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 0.44 acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) (see contact information below) and the County.

This mitigation alternative (a.) requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.

- b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy", would total \$1,100.00. This fee is calculated based on the current cost-per-unit of \$2500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; your actual cost may increase depending on the timing of payment. This fee must be paid after the Department provides written notification identifying your mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

- c. Purchase **0.44** credits in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (c) above, can be completed by purchasing credits from the Palo Prieto Conservation Bank (see contact information below). The Palo Prieto Conservation Bank was established to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The cost for purchasing credits is payable to the

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owners of The Palo Prieto Conservation Bank. This fee is calculated based on the current cost-per-credit of \$2500 per acre of mitigation and would total **\$1,110.00**. The fee is established by the conservation bank owner and may change at any time. Your actual cost may increase depending on the timing of payment. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

- BR-2** Prior to issuance of grading and/or construction permits, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the County Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:
- Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.
 - The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR11. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.
 - Prior to or during project activities, if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time a den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, work shall stop until such time the U.S. Fish and Wildlife Service/Department determine it is appropriate to resume work.

If incidental take of kit fox during project activities is possible, before project activities commence, the applicant must consult with the U.S. Fish and Wildlife Service and the Department (see contact information below). The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

In addition, the qualified biologist shall implement the following measures:

- Within 30 days prior to initiation of site disturbance and/or construction, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
 - Potential kit fox den: 50 feet

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- b. Known or active kit fox den: 100 feet
- c. Kit fox pupping den: 150 feet

- 2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.
- 3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

BR-3 Prior to issuance of grading and/or construction permits, the applicant shall clearly delineate as a note on the project plans, that: "Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox". Speed limit signs shall be installed on the project site within 30 days prior to initiation of site disturbance and/or construction.

In addition, prior to permit issuance and initiation of any ground disturbing activities, conditions BR-3 through BR-11 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

BR-4 During the site disturbance and/or construction phase, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.

BR-5 Prior to issuance of grading and/or construction permit and within 30 days prior to initiation of site disturbance and/or construction, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.

BR-6 During the site-disturbance and/or construction phase, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

Initial Study – Environmental Checklist

- BR-7** During the site-disturbance and/or construction phase, any pipes, culverts, or similar structures with a diameter of **four** inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.
- BR-8** During the site-disturbance and/or construction phase, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.
- BR-9** Prior to, during and after the site-disturbance and/or construction phase, use of pesticides or herbicides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.
- BR-10** During the site-disturbance and/or construction phase, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and the Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the Department for care, analysis, or disposition.
- BR-11** Prior to final inspection, or occupancy, whichever comes first, should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:
- If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12".
 - If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.
- Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.
- BR-12** **Prior to permit issuance and initiation of any ground disturbing activities**, the applicant shall provide construction timelines to the County Department of Planning and Building in order to minimize impacts to nesting birds (including least Bell's vireo) and bats. Construction and grading activities should take place outside the bird nesting season, which is February 1 through August 31. If construction and grading activities occur during nesting bird season, provide evidence that a County approved qualified biologist has been obtained to conduct a clearance survey within one week prior to the initiation of ground disturbance to identify nests and burrows. Visual surveys for bats should be conducted in the vicinity of all trees that have cavities, broken limbs, resulting in hanging woody debris, and large patches of loose bark.

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- a. If Active nest sites of bird species protected under the Migratory Bird Treaty Act and/ or California Fish and Game Code Section 3503 are observed within the project area, the particular construction activity should be modified and /or delayed as necessary to avoid direct impacts of the identified nests, eggs, and/or young. Potential project modifications may include establishing appropriate “no activity” buffers around the nest site. Construction activities should not occur in the buffer until a biologist has determined that the nesting activity has ceased.
- b. If active nest sites of raptors and/or bird species of special concern are observed within the vicinity of project related disturbances, an appropriate buffer around the nest site (potentially up to 50 feet (250 feet for raptors) of the construction area, the biologist in consultation with CDFW, shall determine the extent of a buffer to be established around the nest. The buffer will delineated with flagging and no work shall take place within the buffer area until the young have left the nest, as determined by the biologist.

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**DEVELOPER'S STATEMENT FOR
ROTH MINOR USE PERMIT
DRC2019-00265**

The applicant agrees to incorporate the following measures into the project. These measures become a part of the project description and therefore become a part of the record of action upon which the environmental determination is based. All development activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

Note: The items contained in the boxes labeled "Monitoring" describe the County procedures to be used to ensure compliance with the mitigation measures.

The Kit Fox Evaluation, which was completed for project Roth Minor Use Permit, DRC2019-00265 on June 1, 2020 by Halden Petersen, indicates your project will impact 0.22 acres of San Joaquin kit fox habitat. The evaluation form was reviewed by Jamie Marquez of the California Department of Fish and Game on August 17, 2020. The evaluation, complete with Mr. Marquez's changes, resulted in a score of 61 which requires that all impacts to kit fox habitat be mitigated at a ratio of 2 acres conserved for each acre impacted (2:1). Total compensatory mitigation required for the project is 0.22 acres, based on 2 times 0.44 acres impacted. The mitigation options identified in BR-1 through BR-11 apply to the proposed project only; should your project change, your mitigation obligation may also change, and a reevaluation of your mitigation measures would be required.

The following mitigation measures address impacts that may occur as a result of the development of the project.

Biological Resources

BR-1 Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building, Environmental and Resource Management Division (County) (see contact information below) that states that one or a combination of the following three San Joaquin kit fox mitigation measures has been implemented:

- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 0.44 acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) (see contact information below) and the County.

This mitigation alternative (a.) requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.

- b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

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Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy", would total \$1,100.00. This fee is calculated based on the current cost-per-unit of \$2500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; your actual cost may increase depending on the timing of payment. This fee must be paid after the Department provides written notification about your mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

- c. Purchase 0.44 credits in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (c) above, can be completed by purchasing credits from the Palo Prieto Conservation Bank (see contact information below). The Palo Prieto Conservation Bank was established to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The cost for purchasing credits is payable to the owners of The Palo Prieto Conservation Bank, and would total \$1,110.00. This fee is calculated based on the current cost-per-credit of \$2500 per acre of mitigation. The fee is established by the conservation bank owner and may change at any time. Your actual cost may increase depending on the timing of payment. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

Monitoring: Required prior to issuance of a grading and/or construction permit. Compliance will be verified by the County Planning Department.

BR-2 Prior to issuance of grading and/or construction permits, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the County Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:

- a. Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.
- b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR11. Site- disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless

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observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

- c. Prior to or during project activities, if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time a den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, work shall stop until such time the U.S. Fish and Wildlife Service/Department determine it is appropriate to resume work.

If incidental take of kit fox during project activities is possible, before project activities commence, the applicant must consult with the U.S. Fish and Wildlife Service and the Department (see contact information below). The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

- d. In addition, the qualified biologist shall implement the following measures:
1. Within 30 days prior to initiation of site disturbance and/or construction, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
 - a. Potential kit fox den: 50 feet
 - b. Known or active kit fox den: 100 feet
 - c. Kit fox pupping den: 150 feet
 2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.
 3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

Monitoring: Required prior to issuance of a grading and/or construction permit. Compliance will be verified by the County Planning Department.

*Environmental Determination: ED20-184**Date: August 24, 2020*

- BR-3** Prior to issuance of grading and/or construction permits, the applicant shall clearly delineate as a note on the project plans, that: "Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox". Speed limit signs shall be installed on the project site within 30 days prior to initiation of site disturbance and/or construction.
- In addition, prior to permit issuance and initiation of any ground disturbing activities, conditions BR-3 through BR-11 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.
- BR-4** During the site disturbance and/or construction phase, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.
- BR-5** Prior to issuance of grading and/or construction permit and within 30 days prior to initiation of site disturbance and/or construction, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.
- BR-6** During the site-disturbance and/or construction phase, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.
- BR-7** During the site-disturbance and/or construction phase, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.
- BR-8** During the site-disturbance and/or construction phase, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.
- BR-9** Prior to, during and after the site-disturbance and/or construction phase, use of pesticides or herbicides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.

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BR-10 During the site-disturbance and/or construction phase, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and the Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the Department for care, analysis, or disposition.

BR-11 Prior to final inspection, or occupancy, whichever comes first, should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:

- a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12".
- b. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.

Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

Monitoring (San Joaquin Kit Fox Measures BR-3 – BR-11): Compliance will be verified by the County Division of Environmental and Resource Management in consultation with the California Department of Fish and Game. As applicable, each of these measures shall be included on construction plans.

BR-12 Prior to permit issuance and initiation of any ground disturbing activities, the applicant shall provide construction timelines to the County Department of Planning and Building in order to minimize impacts to nesting birds (including least Bell's vireo) and bats. Construction and grading activities should take place outside the bird nesting season, which is February 1 through August 31. If construction and grading activities occur during nesting bird season, provide evidence that a County approved qualified biologist has been obtained to conduct a clearance survey within one week prior to the initiation of ground disturbance to identify nests and burrows. Visual surveys for bats should be conducted in the vicinity of all trees that have cavities, broken limbs, resulting in hanging woody debris, and large patches of loose bark.

- a. If Active nest sites of bird species protected under the Migratory Bird Treaty Act and/ or California Fish and Game Code Section 3503 are observed within the project area, the particular construction activity should be modified and /or delayed as necessary to avoid direct impacts of the identified nests, eggs, and/or young. Potential project modifications may include establishing appropriate "no activity" buffers around the nest site. Construction activities should not occur in the buffer until a biologist has determined that the nesting activity has ceased.
- b. If active nest sites of raptors and/or bird species of special concern are observed within the vicinity of project related disturbances, an appropriate buffer around the nest site (potentially up to 50 feet (250 feet for raptors) of the construction

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area, the biologist in consultation with CDFW, shall determine the extent of a buffer to be established around the nest. The buffer will delineated with flagging and no work shall take place within the buffer area unit the young have left the nest, as determined by the biologist.

Monitoring: Required prior to issuance of a grading and/or construction permit. Compliance will be verified by the County Planning Department.

The applicant understands that any changes made to the project description subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.


Signature of Owner(s)

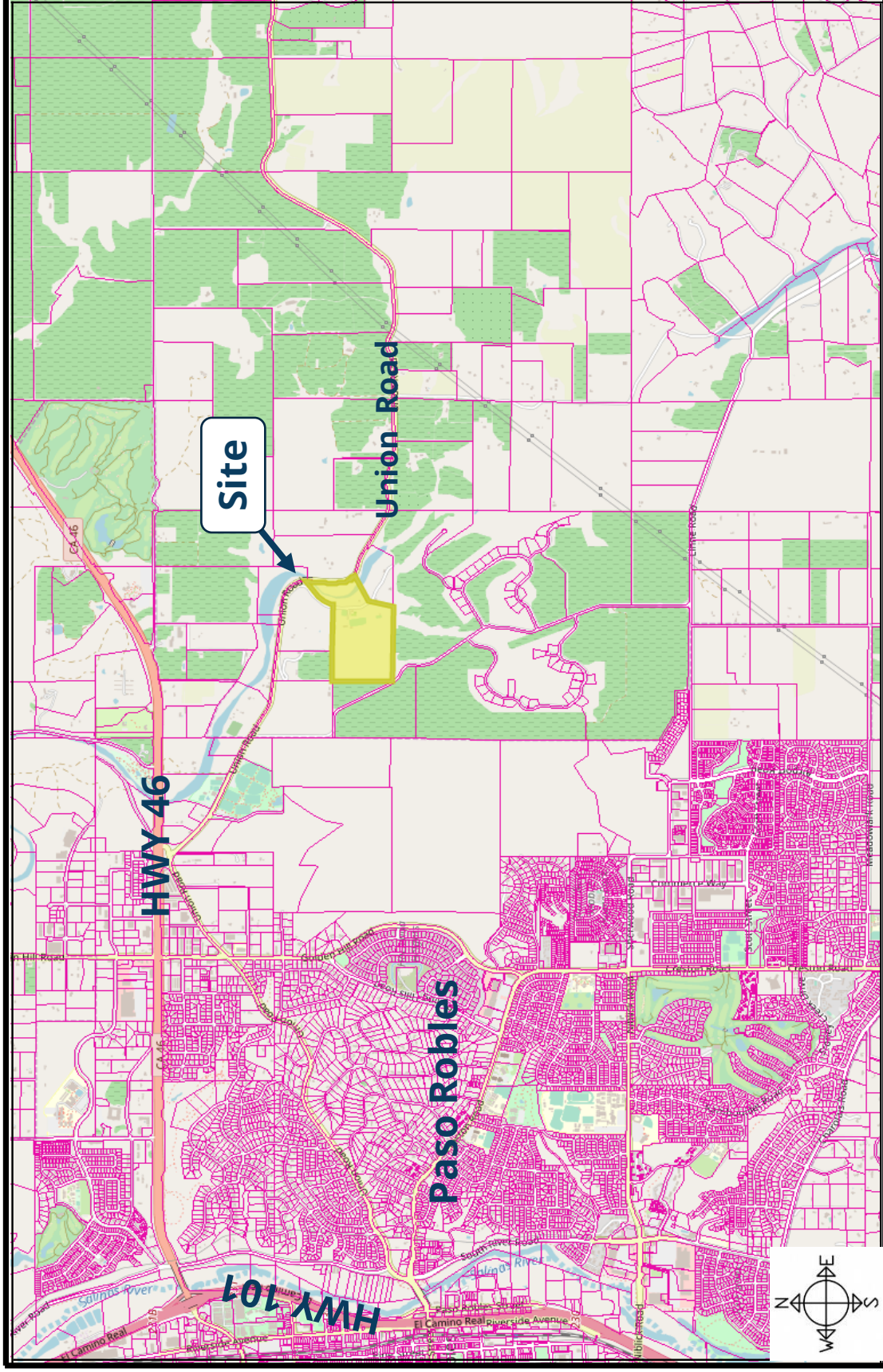
Jon Roth
Name (Print)

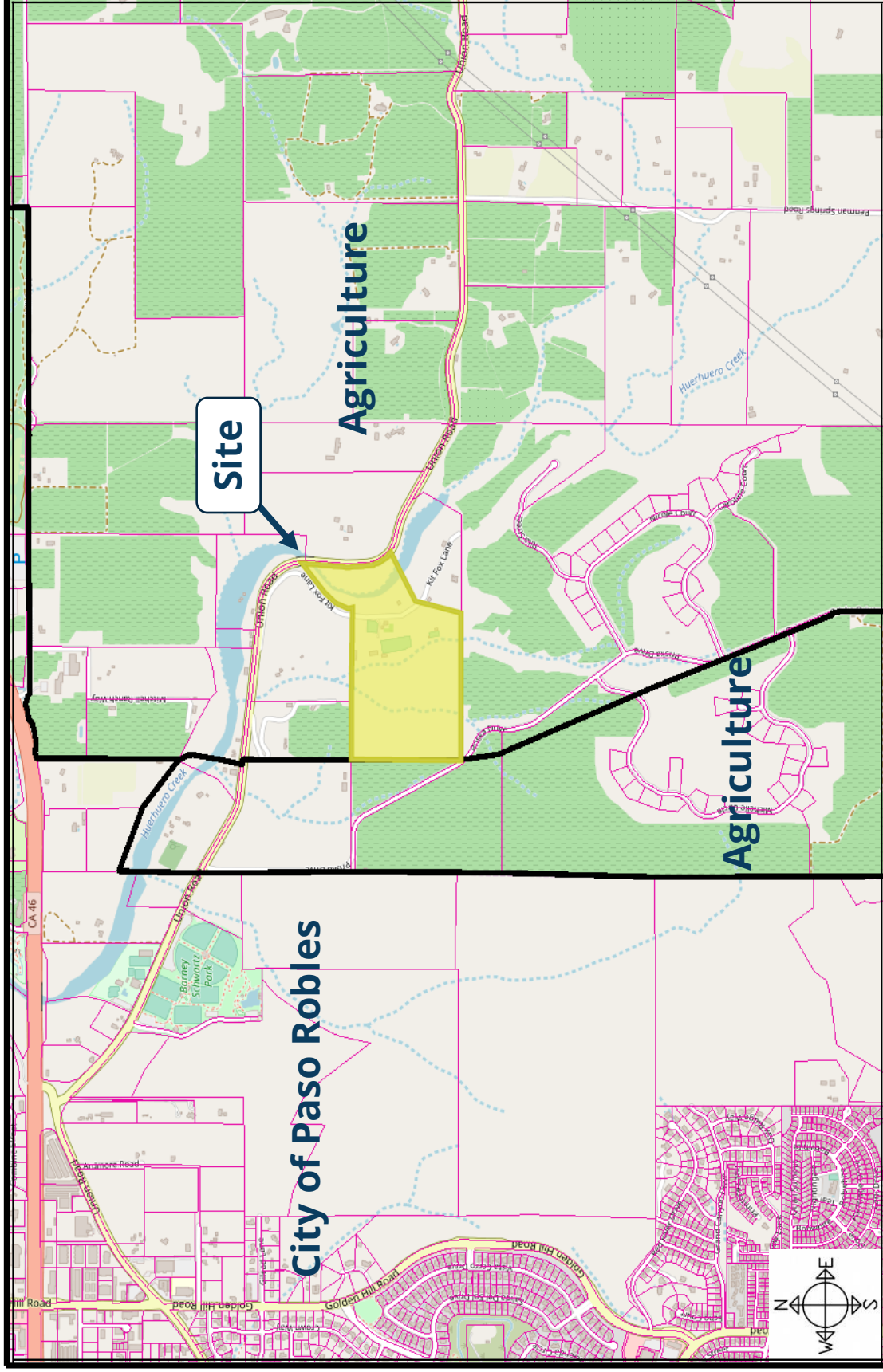
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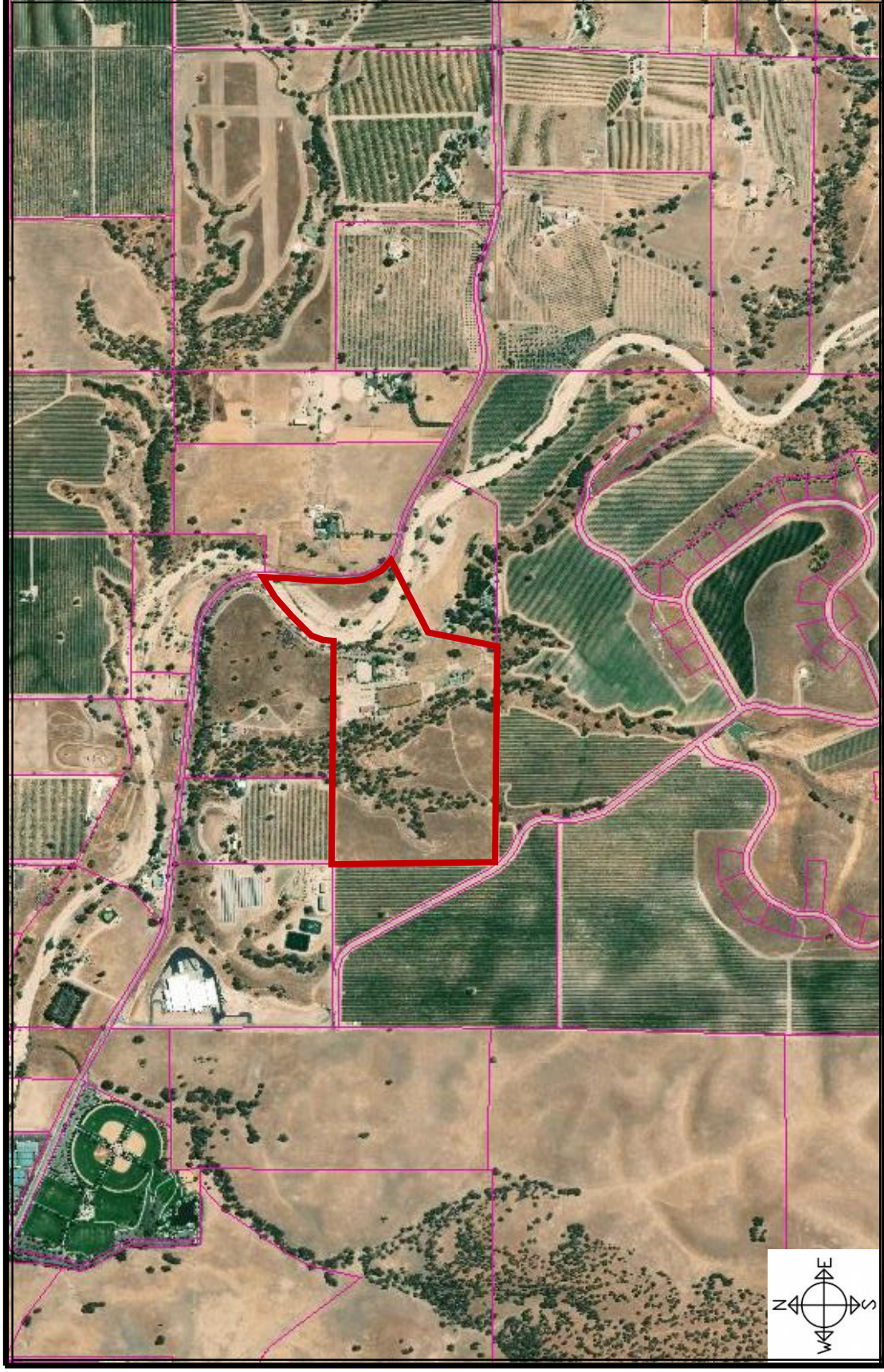
Signature of Owner(s)

Name (Print)

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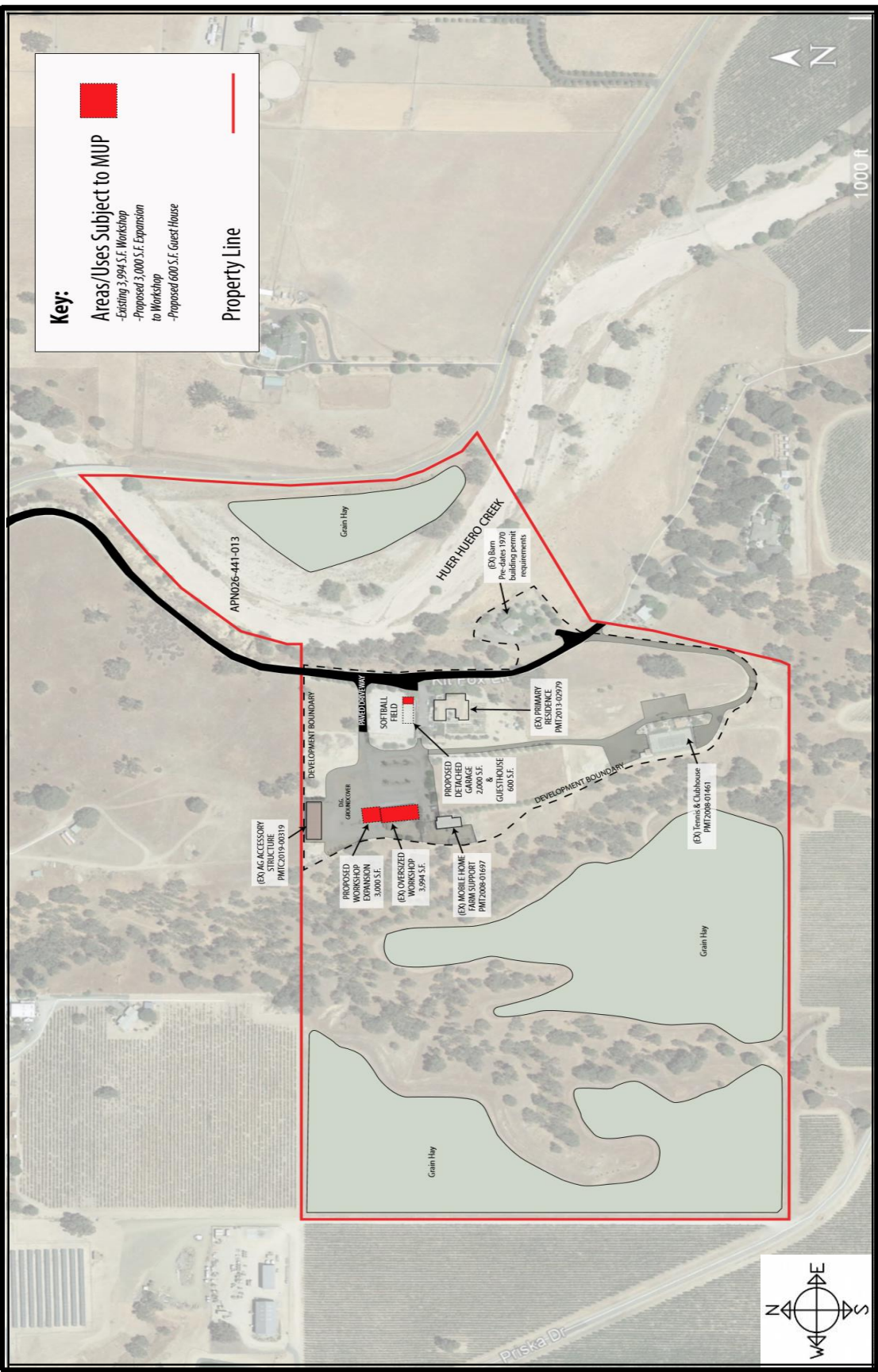


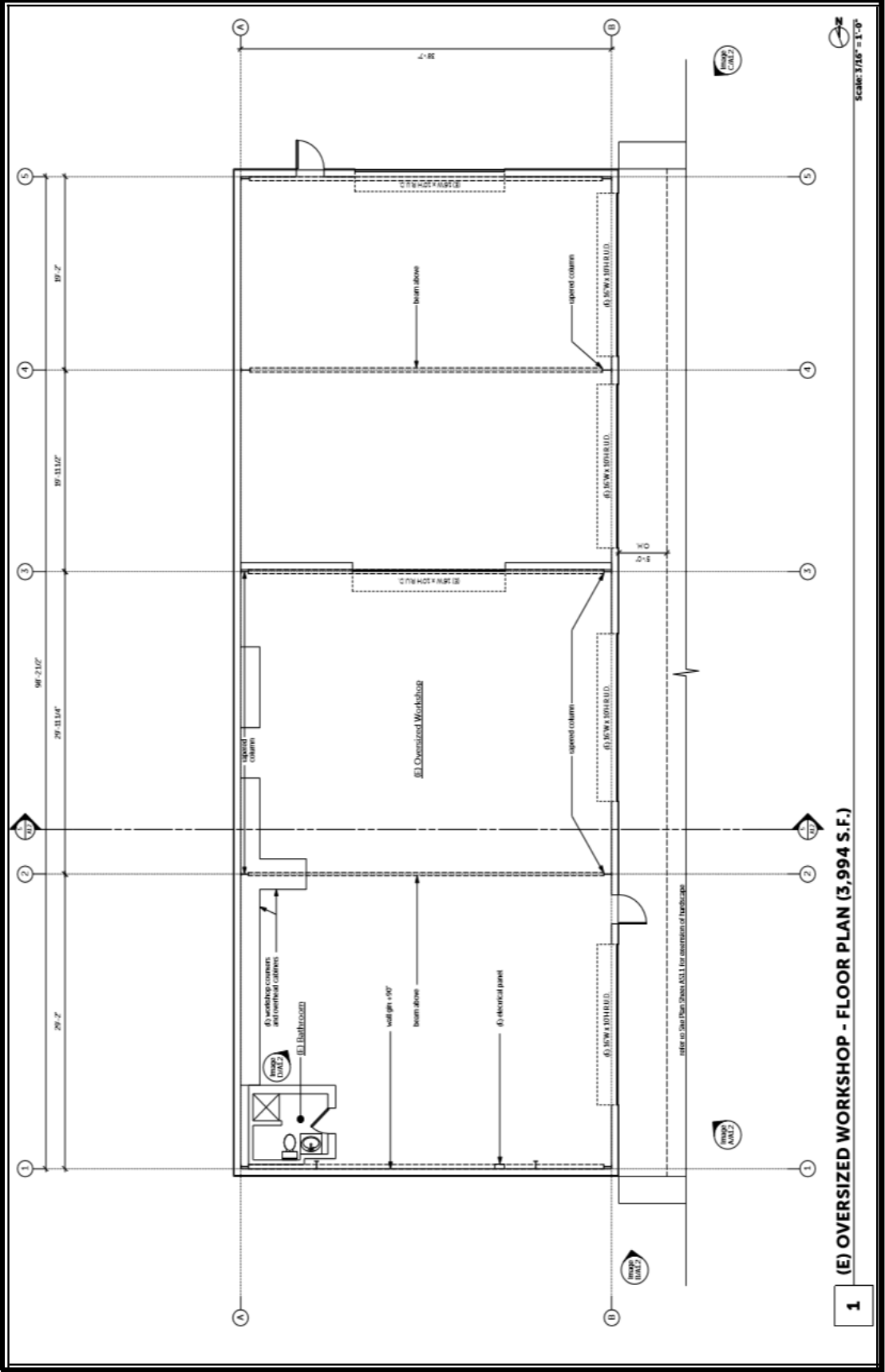


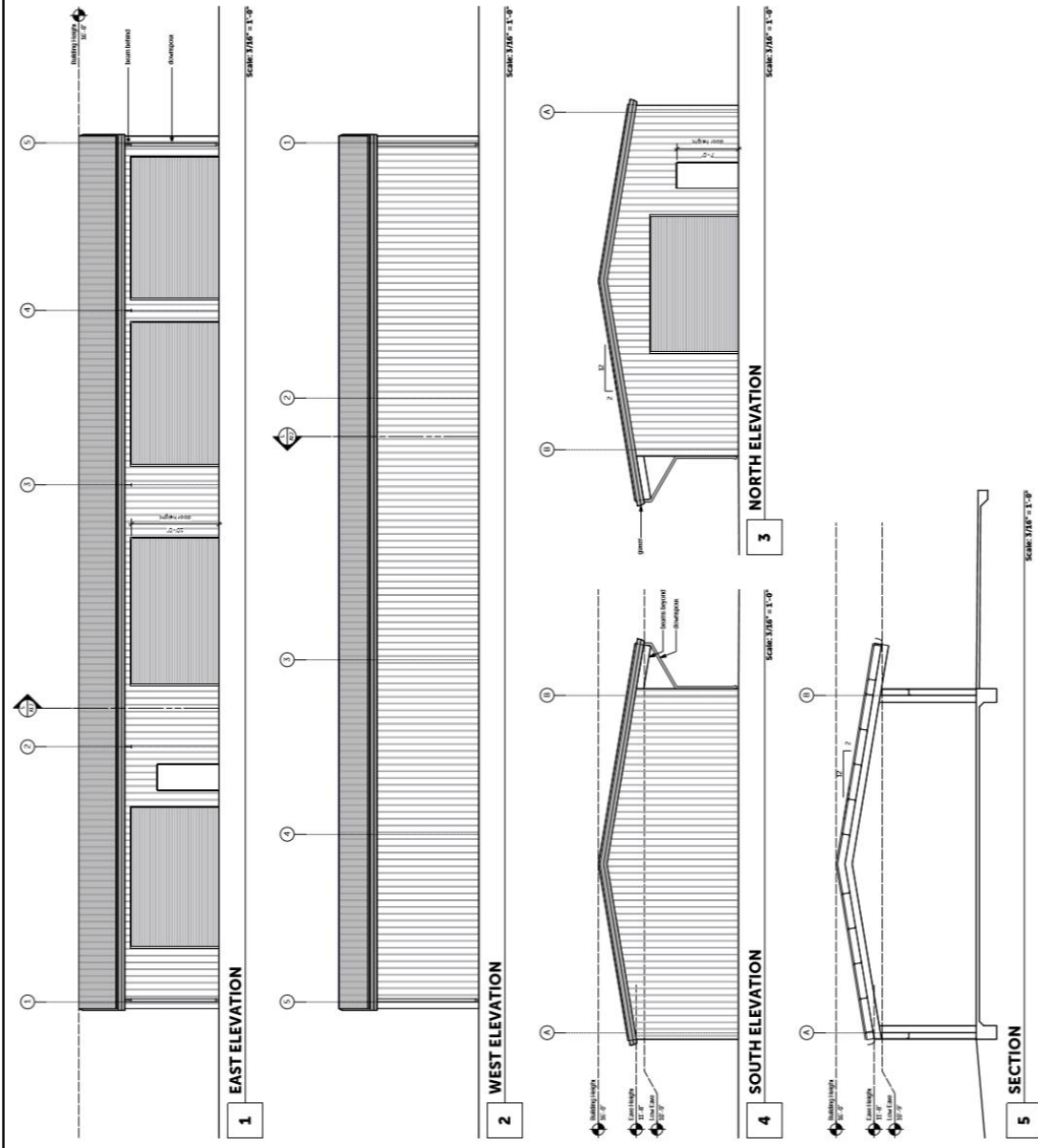
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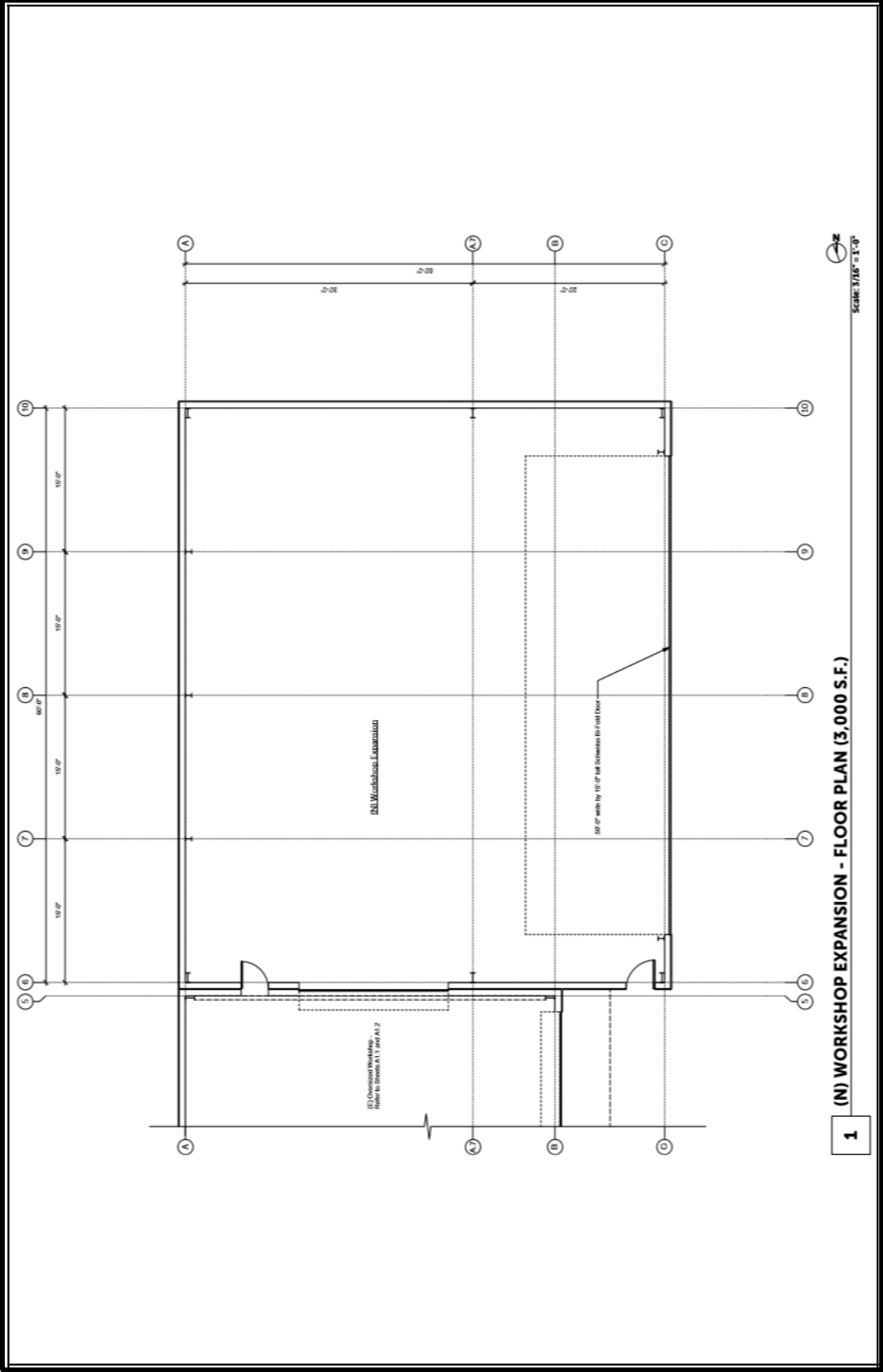
COUNTY OF SAN LUIS OBISPO

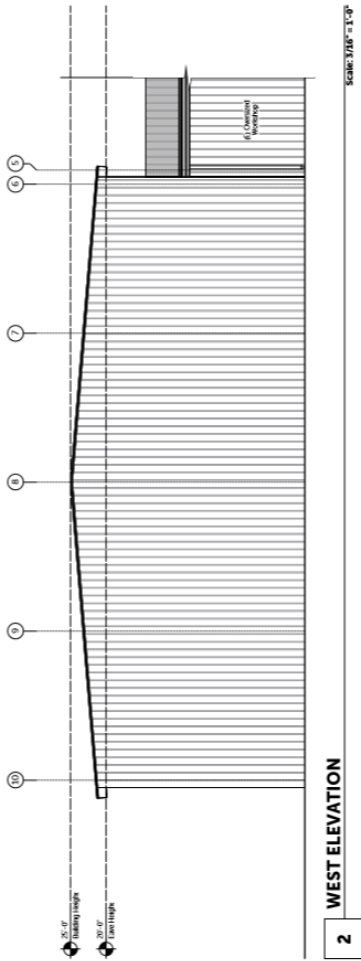
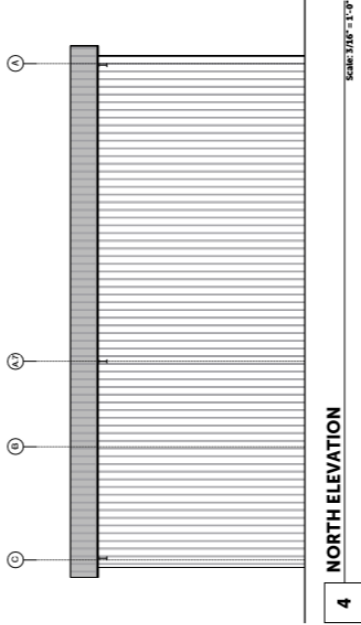
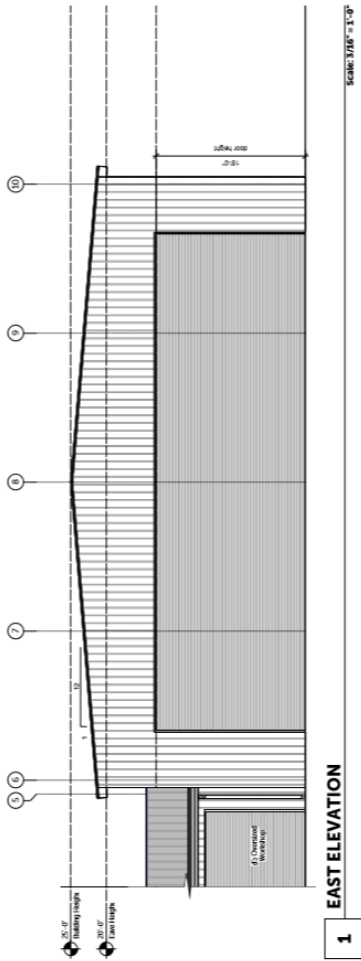
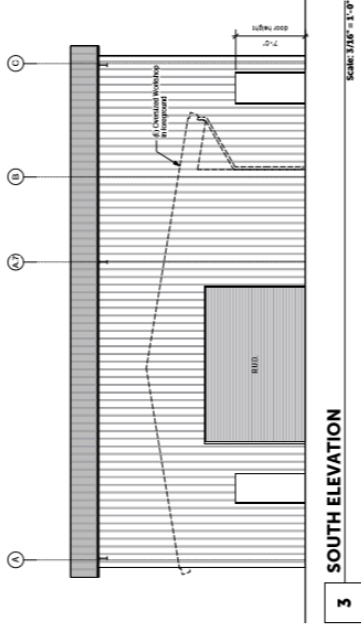


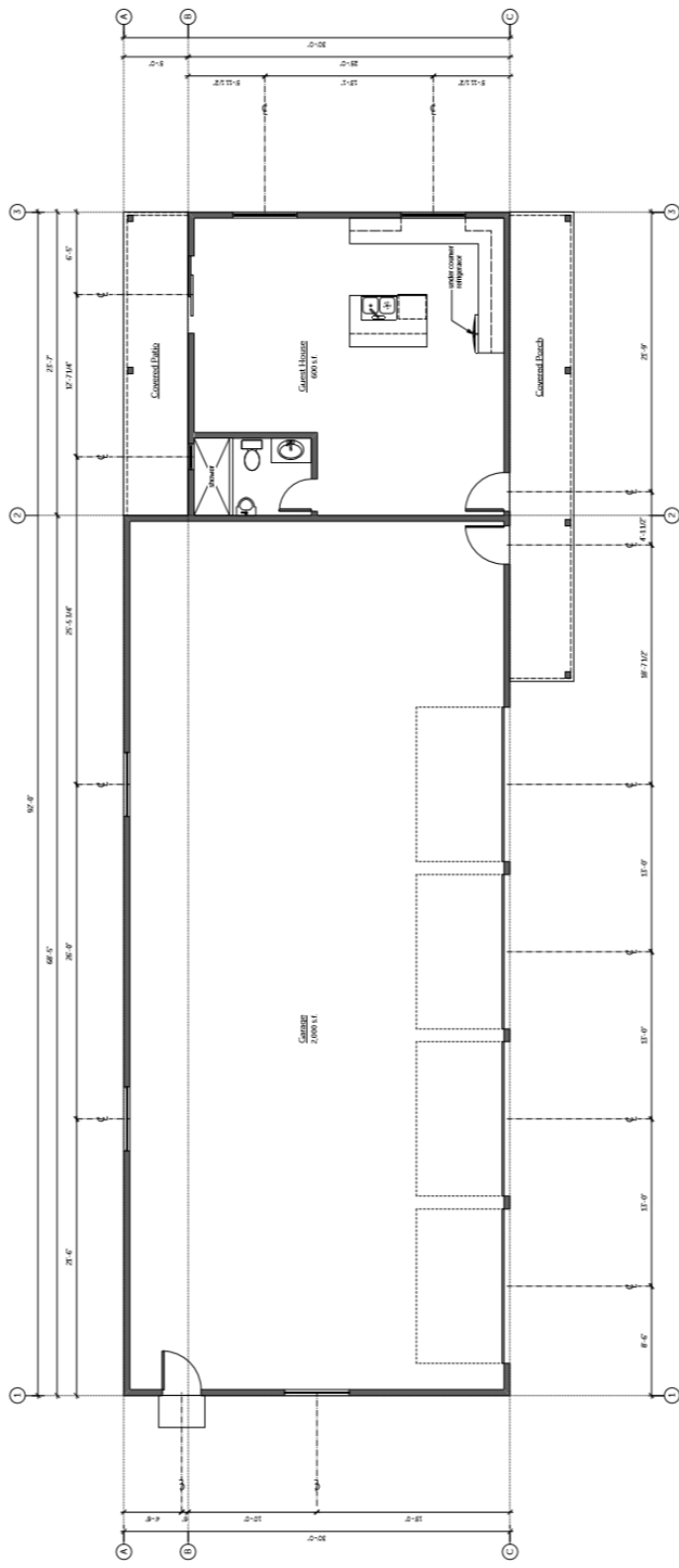








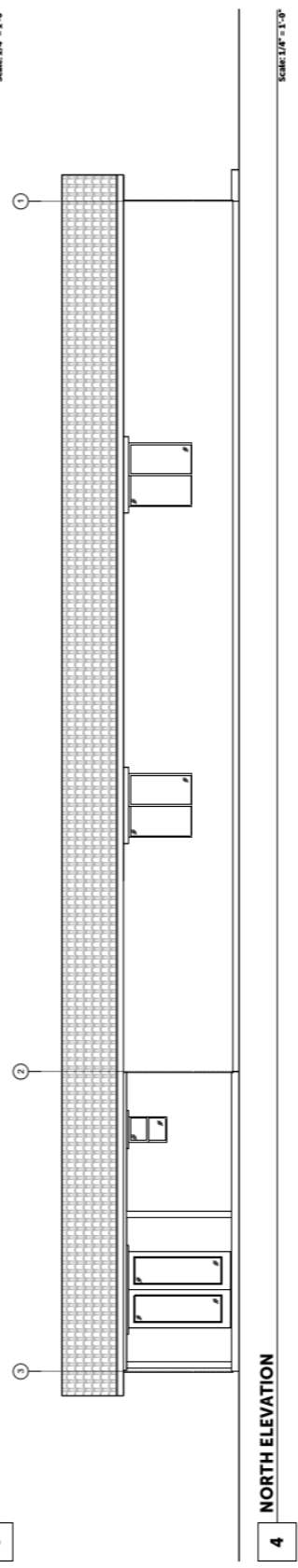
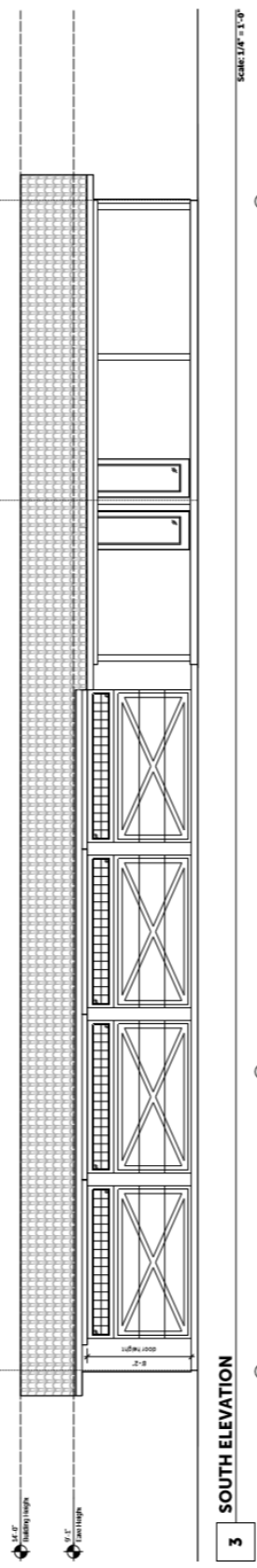
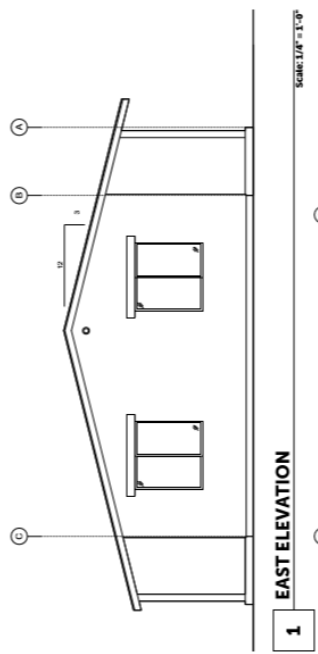
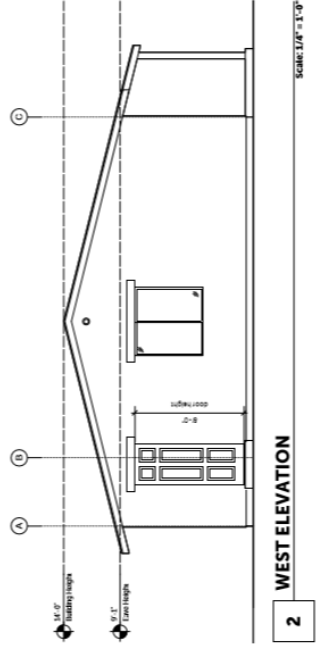




1 (N) DETACHED GARAGE (2,000 S.F.) AND GUEST HOUSE (600 S.F.) - FLOOR PLAN

SCALE: 1/4" = 1'-0"







**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

*Promoting the wise use of land
Helping build great communities*

MEETING DATE October 16, 2020 LOCAL EFFECTIVE DATE October 20, 2020 APPROX FINAL EFFECTIVE DATE November 20, 2020	CONTACT/PHONE Ian Landreth (805) 781-1298 ilandreth@co.slo.ca.us	APPLICANT County of San Luis Obispo, Department of Parks and Recreation	FILE NO. DRC2020-00097
SUBJECT A request by the County of San Luis Obispo, Parks and Recreation Department for a Minor Use Permit/Coastal Development Permit to allow for the following improvements to the Cave Landing Natural Area Coastal Access/Trailhead parking: 1) Repair and maintenance of an existing parking area to provide up to 72 parking spaces (68 standard and four ADA accessible). 2) Installation of erosion and sedimentation controls 3) Addition of approximately 65 three to four-ton landscape boulders, two permanent trash/recycling enclosures, two bike racks, and 12 low profile signs. The project will result in the disturbance of approximately 1,650 cubic yards of fill and zero cut on approximately 1.05-acres of pre-disturbed area on a 26.83-acre parcel. A modification of the fencing and screening standards set forth in the Coastal Land Use Ordinance 23.04.190 is requested to waive fencing of the side and rear property lines to protect coastal views and access. The proposed project is within the Residential Rural land use category and is located at the south end of Cave Landing Road, approximately 3,000 feet south of the intersection of Cave Landing Road and Avila Beach Drive, east of the community of Avila Beach, in the San Luis Bay (Coastal) planning area.			
Approve Minor Use Permit DRC2020-00097 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION Also to be considered is the environmental determination that the project is categorically exempt under CEQA, pursuant to CEQA Guidelines Section 15031 (Class 1) and 15032 (Class 2). A Notice of Exemption has been prepared pursuant to CEQA Guidelines Section 15062.			
LAND USE CATEGORY Residential Rural	COMBINING DESIGNATION 23.07.104-Archeological Sensitive Area, 23.07.080 - Geologic Study Area, 23.07.160 - Sensitive Resource Area	ASSESSOR PARCEL NUMBER 076-231-062	SUPERVISOR DISTRICT(S) 3
PLANNING AREA STANDARDS: Site Planning - Development Plan Projects Sloping Sites, Shoreline Access - Mallagh Landing, Site Planning, Residential Rural -Mallagh Landing. <i>Does the project meet applicable Planning Area Standards: Yes - see discussion.</i>			
LAND USE ORDINANCE STANDARDS: 23.01.043- Coastal Appealable Zone, 23.04.180- Landscaping, 23.04.190 - Fencing and Screening, 23.04.420 Coastal Access, 23.05.034- Grading, 23.05.36 Sediment and Erosion Control, 23.05.42 Drainage Plan <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion.</i>			

<p>FINAL ACTION</p> <p>This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. If applicable, the tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing.</p> <p>The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.</p>
<p>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242</p>

<p>EXISTING USES: Coastal access, trails, and parking lot</p>	
<p>SURROUNDING LAND USE CATEGORIES AND USES: North: Residential Rural/ vacant, trails East: Single Family Residential/ City of Pismo Beach South: Pacific Ocean West: Residential Rural/ vacant, trails</p>	
<p>OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Avila Valley Advisory Council, Public Works, Environmental Health, CalFire, APCD, Sheriff, and the California Coastal Commission.</p>	
<p>TOPOGRAPHY: Level to steep slopes</p>	<p>VEGETATION: Coastal scrub</p>
<p>PROPOSED SERVICES: Water supply: n/a Sewage Disposal: n/a Fire Protection: Cal Fire</p>	<p>ACCEPTANCE DATE: August 8, 2020</p>

DISCUSSION

Pirates Cove is a well-known clothing optional beach between Avila Beach and Shell Beach. This site has limited beach access and volunteer trails all served by the large parking lot at Cave Landing Road that was created in the 1970s when this property was owned by Unocal. Fill was placed over the existing parking area in the early 1990s as a measure to repair damage to the site resulting from activities associated with an oil pipeline rupture and resulting oil spill. In 2008, the County purchased this site, and an adjacent parcel, with the intent of preserving coastal access, open space and recreational opportunities.

In 2014 the County Board of Supervisors approved project DRC2011- 00069 on this site. That project was proposed to make this site a public park, with dawn to 10pm hours of operation and included: a multi-use trail, stairs to the beach, a paved parking lot, a gate to close the parking lot, a restroom, trash enclosures, and educational signs. This project was appealed to the California Coastal Commission (CCC) and in November 2014 the Coastal Commission approved only the trail and trash enclosures. Soon after, the project was withdrawn.

During the permit process, many people expressed concerns that the project was too much development and the hours of operation were too limited. The Coastal Commission agreed. In the six years since, the site remains a popular destination, however, the site has continued to deteriorate.

In an effort to protect this site and bring its management within the County Park System, the County Department of Parks and Recreation ("County Parks") held public workshops and held discussions about the future of the area with many of the sites users and interested parties including: the appellants of the previous permit, Chumash representatives, neighbors, residents of Avila Beach and Shell Beach, and trail users. The site is a prized beach access and trail head. The resulting collaboratively proposed project includes improving the parking lot, adding trash enclosures, and installing interpretive signs to educate people about the history of this special site. The proposed project also includes retaining the current clothing optional use of the beach, and inclusion of a maintenance and operations plan for the site.

MODIFICATIONS:

23.040190 - Fencing and Screening / Side and Rear Lot Lines. The side and rear property lines of all non-residential uses are to be screened as follows:

(i) Adjacent to a residential use or category: A solid wall or fencing is to be located on side and rear property lines of any non-residential or non-agricultural use abutting a residential use or land use category, except for parks, golf course greens and fairways.

(4) Modification of Fencing and Screening Requirements. Any of the requirements of this section may be waived or modified through Minor Use Permit approval, provided the Planning Director first finds that specifically identified characteristics of the site or site vicinity would make required fencing or screening unnecessary or ineffective.

Staff Comments: As provided in Section 23.040.190.b(4) the fencing and screening standard may be waived if specific conditions of the site and/or vicinity make the required fencing or screening unnecessary or ineffective. County Parks is requesting that the requirements of fencing the side and rear property lines of this site be waived because it would block coastal views and limit costal views and access from the adjacent trail to Shell Beach and the Ontario Ridge Trail. Fencing of the side and rear lot lines would be inconsistent with the shoreline access policies outlined in the Coastal Plan Policies making the fencing and screening requirement unnecessary.

COMBINING DESIGNATION:

23.07.080 - Geologic Study Area (GSA)

All uses within a Geologic Study Area are to be established and maintained in accordance with the following, as applicable:

- a. Grading: Any grading not otherwise exempted from the permit requirements of Sections 23.05.020 et seq. (Grading) is to be performed as engineered grading under the provisions of those sections.
- b. Seismic hazard areas: As required by California Public Resources Code Sections 2621 et seq. and California Administrative Code Title 14, Sections 3600 et seq., no structure intended for human occupancy shall be located within 50 feet of an active fault trace within an Earthquake Fault Zone.
- c. Erosion and geologic stability. New development shall insure structural stability while not creating or contributing to erosion, sedimentation or geologic instability.

Staff Comments: This project remains within the existing parking lot area which is a nearly level area. The required earthwork for this project includes no grading, only fill. The proposed project complies with the requirements of 23.07.080 for Geologic Study Area Special Standards. An engineering geology investigation has been completed and reviewed by the County Geologist (Blanchard, 2012).

23.07.104 - Archeological Sensitive Area

To protect and preserve archaeological resources, the following procedures and requirements apply to development within areas of the coastal zone identified as archaeologically sensitive.

- a. Preliminary site survey required. Before issuance of a land use or construction permit for development within an archaeologically sensitive area, a preliminary site survey shall be required. The survey shall be conducted by a qualified archaeologist knowledgeable in local Native American culture and approved by the Environmental Coordinator. The County will provide pertinent project information to the Native American tribe(s).
- b. When a mitigation plan is required. If the preliminary site survey determines that proposed development may have significant effects on existing, known or suspected archaeological resources, a plan for mitigation shall be prepared by a qualified archaeologist. The County will provide pertinent project information to the Native American tribe(s) as appropriate. The purpose of the plan is to protect the resource. The plan may recommend the need for further study, subsurface testing, monitoring during construction activities, project redesign, or other actions to mitigate the impacts on the resource. Highest priority shall be given to avoiding disturbance of sensitive resources. Lower priority mitigation measures may include use of fill to cap the sensitive resources. As a last resort, the review authority may permit excavation and recovery of those resources. The mitigation plan shall be submitted to and approved by the Environmental Coordinator and considered in the evaluation of the development request by the Review Authority.
- c. Archeological resources discovery. In the event archeological resources are unearthed or discovered during any construction activities, the standards of Section 23.05.140 of this title shall apply. Construction activities shall not commence until a mitigation plan, prepared by a qualified professional archaeologist reviewed and approved by the Environmental Coordinator, is completed and implemented. The County will provide pertinent project

information to the affected Native American tribe(s) and consider comments prior to approval of the mitigation plan. The mitigation plan shall include measures to avoid the resources to the maximum degree feasible and shall provide mitigation for unavoidable impacts. A report verifying that the approved mitigation plan has been completed shall be submitted to the Environmental Coordinator prior to occupancy or final inspection, whichever occurs first.

***Staff Comments** – The proposed project complies with the Archaeologically Sensitive Area requirements as outlined in 23.07.104 of the coastal Zone Land Use Ordinance. A cultural resources investigation was conducted and reviewed by the Environmental Coordinator for the property (SWCA Inc., September 2010) which identified archeological resources on the subject property and provided recommendations in the unlikely event that human remains are discovered. The project activities will take place within the existing disturbed parking area and mostly occur within the existing fill areas. Highest priority shall be given to avoiding disturbance of sensitive resources.*

23.07.160 - Sensitive Resource Area Minimum Site Design and Development Standards

All uses within a Sensitive Resource Area shall conform to the following standards:

- a. Surface mining is not permitted except in areas also included in an Energy and Extractive Resource Area combining designation by the Land Use Element. Where the dual designation exists, surface mining is allowed only after approval of surface mining permit and reclamation plan, approved in accordance with Section 23.08.180.
- b. Shoreline areas shall not be altered by grading, paving, or other development of impervious surfaces for a distance of 100 feet from the mean high tide line, 75 feet from any lakeshore, or 50 feet from any streambank, except where authorized through Development Plan approval. Where the requirements of the California Department of Fish and Game or other public agency having jurisdiction are different, the more restrictive regulations shall apply. Special requirements for setbacks from wetlands, streams, and the coastline are established by Sections 23.07.172 through 23.07.178.
- c. Construction and landscaping activities shall be conducted to not degrade lakes, ponds, wetlands, or perennial watercourses within an SRA through filling, sedimentation, erosion, increased turbidity, or other contamination.
- d. Where an SRA is applied because of prominent geological features visible from off-site (such as rock outcrops), those features are to be protected and remain undisturbed by grading or development activities.
- e. Where an SRA is applied because of specified species of trees, plants or other vegetation, such species shall not be disturbed by construction activities or subsequent operation of the use, except where authorized by Development Plan approval.

***Staff Comments:** The proposed project is located within a Sensitive Resource Area due to the Ontario Ridge viewshed as outlined in the San Luis Bay Coastal Area Plan. The project has been designed and complies with the viewshed requirements as outlined below in 23.04.210 -*

Visual Resources. The project is not impacting sensitive vegetation or species, will not include surface mining, and will not impact streams or lakes as none exist near the site. The project is located on previously disturbed areas as the historic use of the site has included a dirt parking area and trails. This project was designed to avoid and protect sensitive resources.

23.04.118 – Blufftop Setbacks

New development or expansion of existing uses proposed to be located adjacent to a beach or coastal bluff shall be located in accordance with the setbacks provided by this section instead of those provided by Sections 23.04.110 or 23.04.112.

- a. Bluff retreat setback method: New development or expansion of existing uses on blufftops shall be designed and set back from the bluff edge a distance sufficient to assure stability and structural integrity and to withstand bluff erosion and wave action for a period of 75 years without construction of shoreline protection structures that would in the opinion of the Planning Director require substantial alterations to the natural landforms along bluffs and cliffs. A site stability evaluation report shall be prepared and submitted by a certified engineering geologist based upon an on-site evaluation that indicates that the bluff setback is adequate to allow for bluff erosion over the 75-year period according to County established standards.

Staff Comments: The proposed project includes drainage features, boulders, signs, ADA parking spaces, garbage receptacles and bike racks which are accessory to the existing coastal accessway and parking lot and are not defined as new development or expansion of the existing use of the site; therefore this standard does not apply.

23.07.120 Local Coastal Program

The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Program which have been outlined in this staff report.

23.01.043 Coastal Appealable Zone

The project is appealable to the Coastal Commission because the project is between the first public road and the ocean.

PLANNING AREA STANDARDS:

Site Planning - Development Plan Projects Sloping Sites

Development plan proposals for site with varied terrain are to concentrate developments on moderate slopes, retaining steeper slopes visible from public roads undeveloped.

Staff Comments: *The site has steep slopes, but the project stays within the existing footprint of the parking lot, which is on nearly level terrain.*

Shoreline Access - Mallagh Landing

New development shall be required to incorporate means to ensure that public access will be permitted on a permanent basis. Such assurance could include an offer-to-dedicate or a deed restriction. The extent of dedication and improvements, and the appropriate agency for

maintenance will be determined as a part of the Development Plan. The level of public access required must be consistent with the extent of development approved and the potential prescriptive rights which may exist in the area. However, the minimum requirement shall be a means of ensuring public use of the sandy beach and a bluff top area for parking. Other improvements which **may** be appropriate include:

- a. Parking area for 100 cars is to be improved. The parking area is to be surfaced with a permeable material to control bluff erosion. Selection of the site and improvement of the parking area is to be consistent with protection of the archaeological resources and geological conditions on the site.
- b. Parking area is to be enclosed with a low-level fence of natural materials to contain vehicular use. Areas disturbed by vehicle overuse should be revegetated.
- c. The parking area is to be landscaped with native trees and vegetation.
- d. Restrooms and trash receptacles are to be provided.
- e. Pedestrian trail to the beach is to be improved extending from the parking area.
- f. Pedestrian and bicycle access way is to be maintained and signed to allow access from Shell Beach.

Staff Comments: The project complies with the above requirements as proposed. County Department of Parks and Recreation provides recreational and natural areas to the public. This project will ensure public access to the beach and area trails along with providing maintenance of the site. This project will include most of the elements called for in the area plan standard. Including a 72-car parking area that is surfaced in road base rock, a permeable material. The existing pathways to the beach and to Shell Beach will remain, 65 boulders will serve as a natural vehicle barrier delineating the parking area, and areas disturbed during construction will be landscaped with native erosion control plantings.

This project does not increase the parking area to accommodate 100 cars as that would impact a sensitive resource in the immediate area. The restroom and improved beach access called out in this area plan are not included in this project as these elements have met community and regulatory opposition. Monitoring of the use of the area has been required as a condition of approval. This is intended to identify, based on use, if additional improvements are warranted to protect sensitive coastal resources such as cultural resources or environmentally sensitive habitats.

Site Planning

Development Plan Projects - Projects requiring Development Plan approval are to concentrate proposed uses in the least sensitive portions of properties. Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas and shall be compatible with the continuance of such habitat areas. Native vegetation is to be retained as much as possible.

Staff Comments: The project complies with this requirement as the project area is located on previously disturbed areas. The project will enhance the site as one of the project goals includes eliminating major erosion issues in the existing dirt parking areas and including bio-swales for drainage of the site. Monitoring of the use of the area has been required as a condition of

approval. This is intended to identify, based on use, if additional improvements are warranted to provide safety to users, and protect sensitive coastal resources such as cultural resources or environmentally sensitive habitats.

Residential Rural -Mallagh Landing

Permit Requirement. Development plan approval is required for all uses and the following standards apply to the project:

- a. A preliminary archaeological survey shall be required, site selection shall emphasize the protection of known archaeological sites.
- b. A geologic report shall be required to indicate areas of landslide risk, bluff erosion.
- c. Appropriate methods for ensuring public access and recreational use of Pirates Cove and the adjacent bluff top shall be identified.

Staff Comments - *This project is a coastal access improvement project that includes recreational and public access features discussed above. Site design avoids sensitive areas and risk of erosion and landslides by using only the flat already developed area of the site. Archaeology and geologic reports have been prepared for this site.*

LAND USE ORDINANCE STANDARDS:

23.04.164 Parking Design Standards- Requirements for parking space size, aisle width, and driveway standards are outlined within this section of the Coastal Zone Land Use Ordinance. Spaces are to be a minimum of 9 by 18 feet and the aisle is required to be at least 24 feet for 90-degree angled parking (standard parking as opposed to slightly angled parking spaces). The project complies with these requirements as conditioned.

Staff Comments- *The proposed project adds road base to the existing parking lot, includes drainage features, boulders, signs, ADA parking spaces, garbage receptacles and bike racks all which are accessory to the existing coastal accessway and parking lot. These accessory items are not a new development or expansion of the existing uses of the site; therefore, this standard does not apply.*

23.04.180 Landscaping - The purpose of this standard is to provide areas which can absorb rainfall and assist in reducing stormwater runoff; control erosion; preserve natural resources; and preserve and enhance native plant species.

Staff Comments - *This project complies with this standard because it will replant disturbed areas with native erosion control plants.*

23.04.190 Fencing and Screening - A solid wall or fencing is to be located on side and rear property lines of any non-residential or non-agricultural use abutting a residential use or land use category, except for parks, golf course greens and fairways. Any of the requirements of this section may be waived or modified through Minor Use Permit approval, provided the Planning Director first finds that specifically identified characteristics of the site or site vicinity would make required fencing or screening unnecessary or ineffective.

***Staff Comments-** This project will require a waiver of this standard that requires fencing along the side and rear property lines of this site. The fencing would block coastal views, coastal access and trails that go through the site, which is intended to be open to the public.*

23.04.420 Coastal Access Required -This project is a coastal access enhancement project that provides Coastal Access as required by this section.

23.05.030 Grading – The 1,650 cubic yards of earthwork proposed in this project is all adding fill to the parking lot. There are no cuts. The grading plan and will be done in compliance of the building code as required by this section.

23.05.042 Sedimentation and Erosion Control – This project proposes and will be conditioned to submit a Sedimentation and Erosion Control for review and approval by the County Public Works Department as required by this section.

23.05.040 Drainage Plan – This project proposes and will be conditioned to submit a drainage plan for review and approval by the County Public Works Department as required by this section

COASTAL PLAN POLICIES: if not N/A list policy nos. and add a discussion

Shoreline Access:	Policy No(s):1, 2, 4, 6, 7, 8, & 9
Recreation and Visitor Serving:	<input checked="" type="checkbox"/> N/A
Energy and Industrial Development:	<input checked="" type="checkbox"/> N/A
Commercial Fishing, Recreational Boating and Port Facilities:	<input checked="" type="checkbox"/> N/A
Environmentally Sensitive Habitats:	<input checked="" type="checkbox"/> N/A
Agriculture:	<input checked="" type="checkbox"/> N/A
Public Works:	Policy No(s): 7
Coastal Watersheds:	Policy No(s): 7, 9, 10
Visual and Scenic Resources:	<input checked="" type="checkbox"/> N/A:
Hazards:	Policy No(s): 1,3,7
Archeology:	Policy No(s): 1
Air Quality:	<input checked="" type="checkbox"/> N/A

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned.

COASTAL PLAN POLICY DISCUSSION:

Shoreline Access Policies

Policy 1- Protection of existing coastal access

This project is a coastal access enhancement project.

Policy 2 – New development between the shoreline and the first public road shall provide coastal access.

This project is a coastal access enhancement project.

Policy 4- Provide facilities to coastal accesses.

This project makes improvements to an existing coastal access parking lot and provides signs, trash cans and bike racks.

Policy 6- The level and intensity of shoreline access is consistent with public safety concerns related to bluff stability, trail improvement and provisions of adequate facilities.

This project proposes parking lot improvements, signs, trash cans, and a bikes rack to this coastal access site. A Trash and Public Safety Plan is included as a condition of approval. The plan will ensure the proposed project is providing adequate facilities for the high volumes of users at this coastal access point by monitoring litter, graffiti, criminal and public safety related issues.

The County Department of Parks and Recreation collaborated with many of the site's users and interested parties to design this project. Based on these discussions and the Coastal Commission's previous denial of a restroom on this site, the Department of Parks and Recreation did not include a restroom in this plan.

Due to the popularity of this area, the trash left as evidence, and public input, there may be a need for a restroom at this site to protect coastal resources. This project has been conditioned to monitor the type of and amount of trash left on the site for three years to document use and need for potential restroom facilities. A report shall be submitted to the Planning and Building Department for review and a determination if a restroom and/or additional trash enclosures are needed. Records will also be kept regarding any safety concerns including law enforcement or emergency response.

Policy 8 - Maximum access shall be provided in a manner that does not conflict with adjacent uses.

This project is enhancing an existing, coastal access, trailhead, and parking area. This level of passive recreation is allowed in the land use category and does not conflict with neighboring properties.

Policy 9 – Project shall restore and enhance shoreline access.

This project is restoring and enhancing this coastal access by restoring the eroded parking area and installing low impact drainage facilities, trash cans, ADA parking, interpretive signs, and bike racks.

Public Works

Policy 7- Development Plan/Coastal Development Permit.

The applicant is requesting approval of a Development Plan/Coastal Development Permit which is consistent with this policy.

Coastal Watersheds

Policy 7- Grading.

This project requires 1,650 cubic yards of earthwork, all adding fill to the parking lot. There are no cuts in the grading plan on near level slopes which is consistent with this policy that requires grading on slopes of less than 20%.

Policy 9 – Sediment and erosion control measures.

This project proposes and is conditioned to use appropriate sediment and erosion control measures complying with this policy.

Policy 10 – Drainage Provisions.

Site design shall ensure that drainage does not cause erosion. This project complies with this policy as proposed and conditioned.

Hazards

Policy 1 – Development near hazards.

All development near hazards shall be designed to minimize risk to humans and property. This project meets this policy by providing improved site drainage and repairing the existing parking lot.

Policy 3- Development Review in Hazards Area.

This site has been reviewed by a geologic engineer with regards to the geological hazards with recommendations to improve site drainage to aid geologic stability and operational requirement to close the site in large storms and ground shaking events. This project incorporates site drainage improvements and operational requirement are a condition of approval, meeting this policy.

Policy 7 – Geologic Study Area.

This project is located within the Geologic Study Area designation and complies with this policy because an engineering geology investigation was completed for this site and includes recommendations for construction and operation in this sensitive area.

Archeology

Policy 1- Protection of Archaeological Resources.

This project was designed to protect archaeological resources of the site and archeological surveys have been conducted. The project proposes and is conditioned that all earth disturbing activities in native soil will be completed under the instruction and oversight of a qualified archaeologist who is approved by the County Environmental Coordinator along with a Chumash representative.

Staff Comments: The County Department of Parks and Recreation collaborated with many of the site's users and interested parties to design this project. Based on these discussions and the Coastal Commission's previous denial of a restroom on this site, the Department of Parks and Recreation did not include a restroom in this plan.

Due to the popularity of this area, the trash left as evidence, and public input, there may be a need for a restroom at this site to protect coastal resources. This project has been conditioned to monitor the type of and amount of trash left on the site for three years to document use and need for potential restroom facilities. A report shall be submitted to the Planning and Building Department for review and a determination if a restroom and/or additional trash enclosures are needed.

COMMUNITY ADVISORY GROUP COMMENTS: The Avila Valley Advisory Council met after the deadline for this report. Staff will update the Hearing Officer with the recommendations of the advisory council.

AGENCY REVIEW:

Public Works- Recommended conditional approval in letter dated August 17, 2020.

Cal Fire (County Fire) – no response as of September 9, 2020

APCD – no response as of September 9, 2020

Sheriff - stated no issues with proposed project in an email dated August 11, 2020

California Coastal Commission – no response as of September 9, 2020

LEGAL LOT STATUS:

The one lot was legally created by deed at a time when that was a legal method of creating lots.

Staff report prepared by Ian Landreth and reviewed by Steve McMasters

EXHIBIT A – FINDINGS
MINOR USE PERMIT/COASTAL DEVELOPMENT PERMIT DRC2020-00097 / COUNTY OF
SAN LUIS OBISPO DEPARTMENT OF PARKS AND RECREATION

CEQA Exemption

- A. The project qualifies for a Categorical Exemption (Class 1 and Class 2) pursuant to CEQA Guidelines Section 15301 and 15302 because the project consists of operation repair and maintenance and minor alteration of existing facilities and replacement or reconstruction of existing structures or facilities. The project is not located in an area which may have an impact on an environmental resource of hazardous or critical concern which is designated, precisely mapped and officially adopted by a federal, state or local agency. Further, there are no unusual circumstances surrounding the project because it is minor project that stays within the existing development footprint. The proposed project does not impact any scenic resources for any officially designated scenic highways. The location of the proposed project is not within any hazardous waste site compiled pursuant to Gov. Code § 65962.5. In addition, the project has been designed to expressly avoid any impacts to cultural and historical resources.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because passive recreation of a coastal access is an allowed use and, as conditioned, is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the project proposed improves public safety and on-going litter issues. Further, plans will also monitor trash and public safety calls to provide information to better address the on-going issues.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the coastal access will not conflict with, the surrounding lands and uses because the project proposed enhances the existing use by providing improvements to address some identified on-going issues relating to the parking lot condition and trash.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Cave Landing Road, a local road constructed to a level able to handle any additional traffic associated with the project.

Coastal Access

- G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is adjacent to the coast and the project provides access to the coastal waters and recreation areas.

- H. Waiver of Fencing Standards required by Land Use Ordinance Section 23.04.190 is justified because the characteristics of the site, a coastal access and trail head do not necessitate fencing along the rear and side property lines. This would block coastal views, coastal access and trails that go through the site.

Sensitive Resource Area

- J. The development will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design, because the project proposed provides improvements to enhance and delineate the footprint of the existing use and provides improvements to address the existing issue of trash and public safety.
- K. Natural features and topography have been considered in the design and siting of all proposed physical improvements because the proposed project remains within the footprint of the existing parking lot.
- L. The proposed clearing of topsoil, trees, is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified sensitive resource, because the proposed project remains within the footprint of the existing parking lot.
- M. The soil and subsoil conditions are suitable for any proposed excavation and site preparation and drainage improvements have been designed to prevent soil erosion, and sedimentation of streams through undue surface runoff, because implementation of an approved drainage and erosion control plan is required.

Archeological Sensitive Area

- N. The site design and development incorporate adequate measures to ensure that archeological resources will be acceptably and adequately protected because the design of this project avoids the sensitive areas, any ground disturbance in native soil will be observed by an archeologist and a Chumash representative. In addition, a site survey was conducted that shows that most of the development area is in more than one to two feet of fill. Because of the existing fill and the proposed 1,650 cubic yards of additional fill, there will be zero cut or grading of native soil.

**EXHIBIT B - CONDITIONS OF APPROVAL
MINOR USE PERMIT/COASTAL DEVELOPMENT PERMIT DRC2020-00097 / COUNTY OF
SAN LUIS OBISPO DEPARTMENT OF PARKS AND RECREATION**

Approved Development

1. This approval authorizes improvements to the Cave Landing Natural Area coastal access/trailhead. These improvements include:
 - a. Repair the existing parking area by filling in ruts and potholes, resurface with base rock, which will provide area for up to 72 parking spaces (68 standard and 4 ADA accessible);
 - b. Improve site's drainage with approximately 300 linear feet of vegetated bio-swales and two cobble energy dissipaters;
 - c. Add approximately 65 3-4-ton landscape boulders to define and limit the parking area;
 - d. Install: 2 permanent trash/recycling enclosures, 2 bike racks, and 12 low profile signs (one monument sign at entry, 4 directive and regulatory signs on single posts, 4 ADA parking signs on single posts and 2 interpretive signs about the Native American significance and cultural history of the site and one grant recognition sign on double post panels; and
 - e. Performing regular maintenance and operation of the site and these facilities.

Conditions required to be completed at the time of application for construction permits

Site Development

2. **At the time of application for construction permits** plans submitted shall show all development consistent with the approved site plan and grading plan.
3. **At the time of application for construction permits**, the applicant shall provide plans that show no exterior lighting.
4. **At the time of application for construction permits**, the applicant shall submit to the Department of Public Works an encroachment permit application, plans, fees, and post a cash damage bond to install improvements within the public right-of-way in accordance with County Public Improvement Standards. The plans are to include, as applicable:
 - a. The existing Cave Landing Road site access shall be improved according to the proposed plan.
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - c. Public utility plan, showing all existing utilities and installation of all new utilities to serve the site.
 - d. Traffic control plan for construction in accordance with the California Manual on Uniform Traffic Control Devices (CA-MUTCD).
5. **At the time of application for construction permits**, the applicant shall provide evidence to the Department of Planning and Building that onsite circulation and pavement structural sections have been designed and shall be constructed in conformance with Cal Fire, or the regulating fire agency standards and specifications back to the nearest public maintained roadway.

Drainage & Flood Hazard

6. **At the time of application for construction permits**, the applicant shall submit complete drainage plans for review and approval in accordance with Section 23.05.040 of the Land Use Ordinance.
7. **At the time of application for construction permits**, the applicant shall submit a complete erosion and sedimentation control plan for review and approval in accordance with Section 23.05.036 of the Land Use Ordinance.

Stormwater Pollution Prevention Plan (SWPPP)

8. **At the time of application for construction permits**, if the project disturbs more than 1.0 acre or is part of a common plan of development, the applicant must enroll for coverage under California's Construction General Permit. Sites that disturb less than 1.0 acre must implement all required elements within the site's erosion and sediment control plan as required by San Luis Obispo County Codes.

Fire Safety

9. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the CDF/County Fire Department for this proposed project.

Conditions to be completed prior to issuance of a construction permit

10. **Prior to issuance of a construction permit**, the applicant shall provide a Department of Planning and Building Department approved Trash and Public Safety Plan that includes:
 - Daily trash pick-up, least once a day, with at ability to increase as needed.
 - Clean up trash at parking lot and trail heads and other high visibility areas and document level and types of trash collected.
 - Use of recycling bins.
 - Process to remove abandoned bulk items, furniture, and vehicles.
 - Procedures to prevent illegal encampments.
 - Track public safety calls including the type of call (e.g. law enforcement, emergency health, etc.) and location.
 - Note any maintenance or trash issues that are associated with public safety issues (e.g. needles and drug paraphernalia, illegal fires).

After 3 years, the applicant shall prepare a summary report and submit to the Department of Planning and Building for review and modification based on the results.

11. **Prior to issuance of a construction permit**, the applicant shall provide a Department of Planning and Building Department Cultural Resource Protection Plan, prepared by a subsurface-qualified archaeologist, approved by the Environmental Coordinator, to be reviewed and approved by the Environmental Coordinator. The plan shall include at a minimum:
 - a. List of personnel involved in the observation and oversight activities;
 - b. Description of how monitoring will occur;
 - c. Description of frequency of monitoring (e.g. full-time, part time. spot checking);
 - d. Description of what resources are expected to be encountered;

- e. Description of circumstances that would result in the halting of work at the project site (e.g. what is considered significant archaeological resources?);
 - f. Description of procedures for halting work on the site and notification procedures;
 - g. Description of reporting procedures; and
 - h. Consultation with appropriate Chumash tribal representatives.
12. **Prior to issuance of a construction permit**, the applicant shall provide construction drainage plans that:
- a. Improves cross drainage and reduce concentrated flows of runoff.
 - b. Does not increase erosion or flow of surface drainage water into landslide area.
 - c. Includes vegetated bio-swales and two cobble energy dissipaters sized such that stormwater runoff is no more than the natural surface.

Conditions to be completed during project construction

13. All ground disturbing construction activities, the applicant shall retain a qualified archaeologist (approved by the environmental coordinator) and Native American to observe all native earth disturbing activities, per the approved Cultural Resource Protection Plan. If any significant archaeological resources or human remains are found all work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the Cultural Resource Protection Plan as required by the Environmental Coordinator.

Conditions to be completed prior to occupancy or final building inspection /establishment of the use

14. **Upon completion of all cultural monitoring and prior to final inspection** (whichever occurs first) the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all activities and confirming that all requirements have been met per the Cultural Resource Protection Plan.
15. **Prior to commencing permitted activities**, all work in the public right-of-way must be constructed or reconstructed to the satisfaction of the Public Works Inspector and in accordance with the County Public Improvement Standards; the project conditions of approval, including any related land use permit conditions; and the approved improvement plans.
16. **Prior to final inspection**, interpretive panel(s) shall be installed to educate the public about the Native American significance and cultural history of the area. The interpretive panels shall be approved by County Parks, and the content shall be developed in cooperation with appropriate Chumash tribal representatives.
17. **Prior to occupancy or final inspection**, whichever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.
18. **Prior to acceptance of the improvements (if applicable)**, the Stormwater Operations and Maintenance plan and General Notice must be updated to reflect as-built changes,

approved by the County, and rerecorded with the County Clerk-Recorder as amendments to the original document.

On-going conditions of approval (valid for the life of the project)

19. The clothing optional beach use shall continue on-site.
20. The coastal access shall be closed during significant rainstorms or ground movement events to ensure public safety.
21. In accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of way including, but not limited to, project signage, tree planting, fences, etc., without a valid encroachment permit issued by the Department of Public Works.
22. The property owner shall be responsible for operation and maintenance of public road frontage access, landscaping, maintaining County driveway sight distance standards and pedestrian amenities in a viable condition and on a continuing basis into perpetuity. Trash/recycling receptacles shall be kept at least 5 feet behind the edge of pavement to ensure adequate lateral clearance.
23. The applicants shall provide recycling opportunities to all facility users at all events in accordance with Ordinance 2008-3 of the San Luis Obispo County Integrated Waste Management Authority (mandatory recycling for residential, commercial and special events).
24. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
25. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Land Use Ordinance.

Planning Department Hearing October 16, 2020



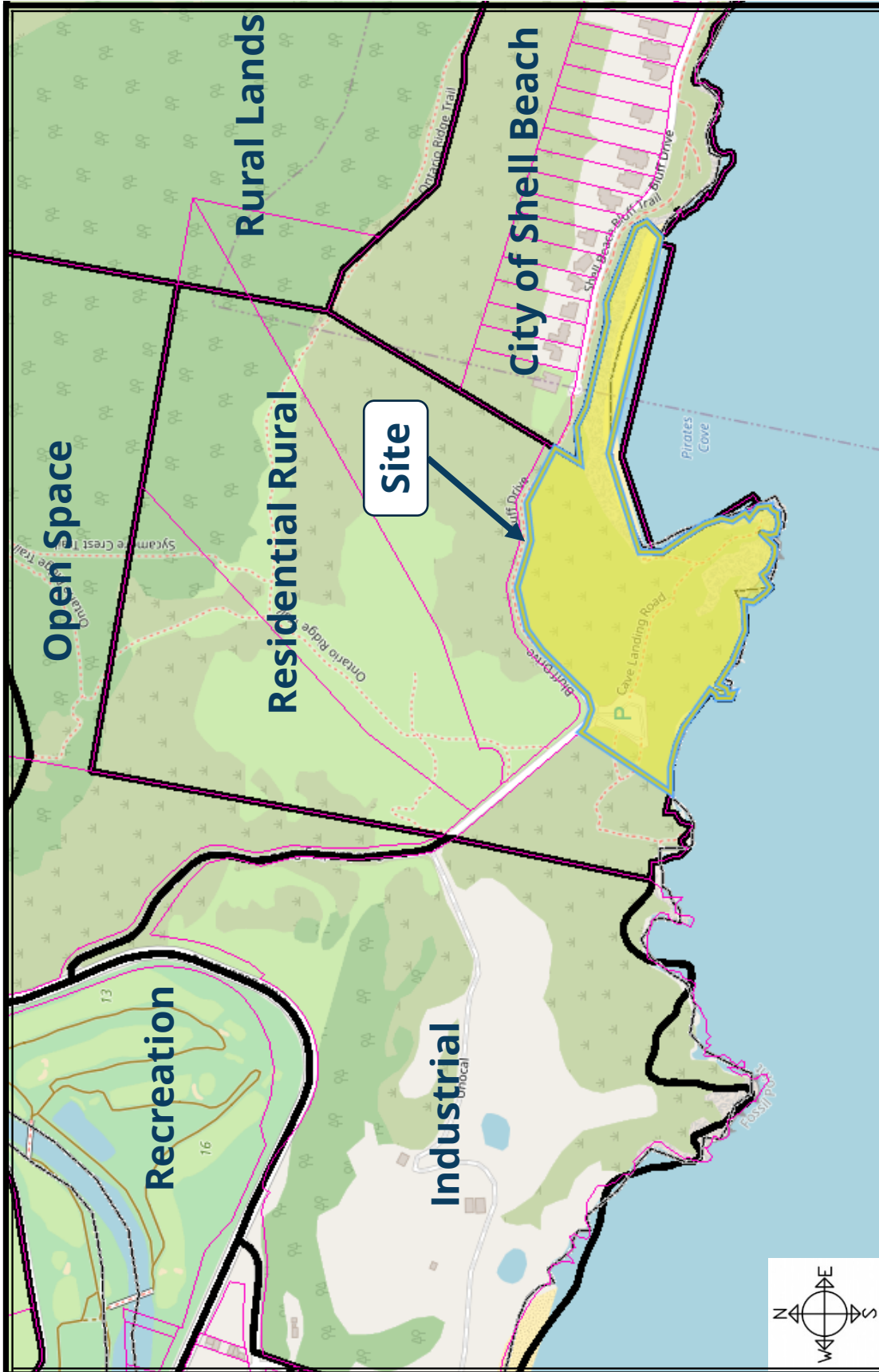
County of San Luis Obispo Department of Parks and Recreation / Minor Use Permit DRC2020-00097



Vicinity Map
DRC2020-00097

COUNTY OF SAN LUIS OBISPO





Land Use Category Map
DRC2020-00097

COUNTY OF SAN LUIS OBISPO

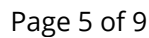


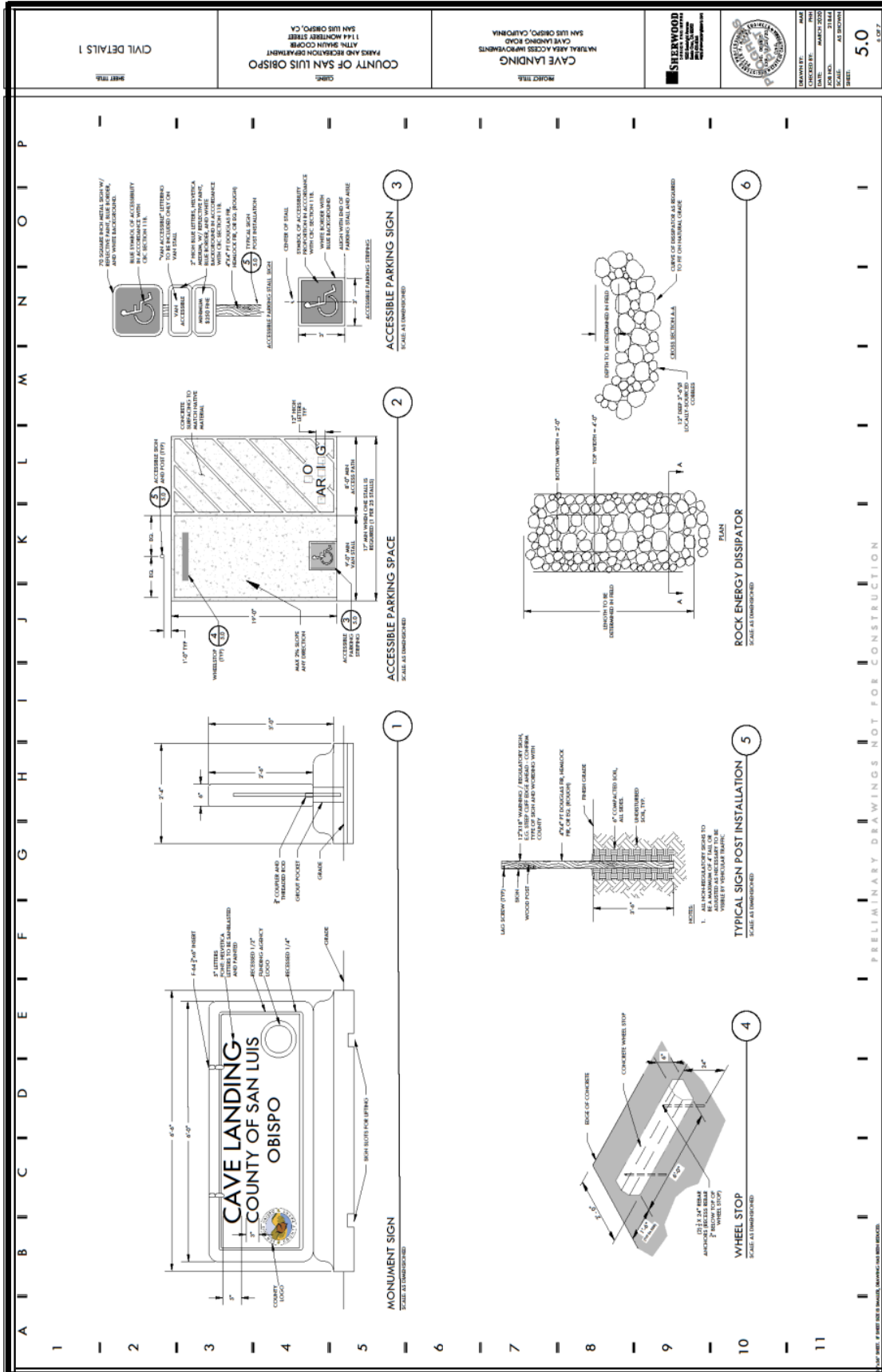


Aerial
DRC2020-00097

COUNTY OF SAN LUIS OBISPO



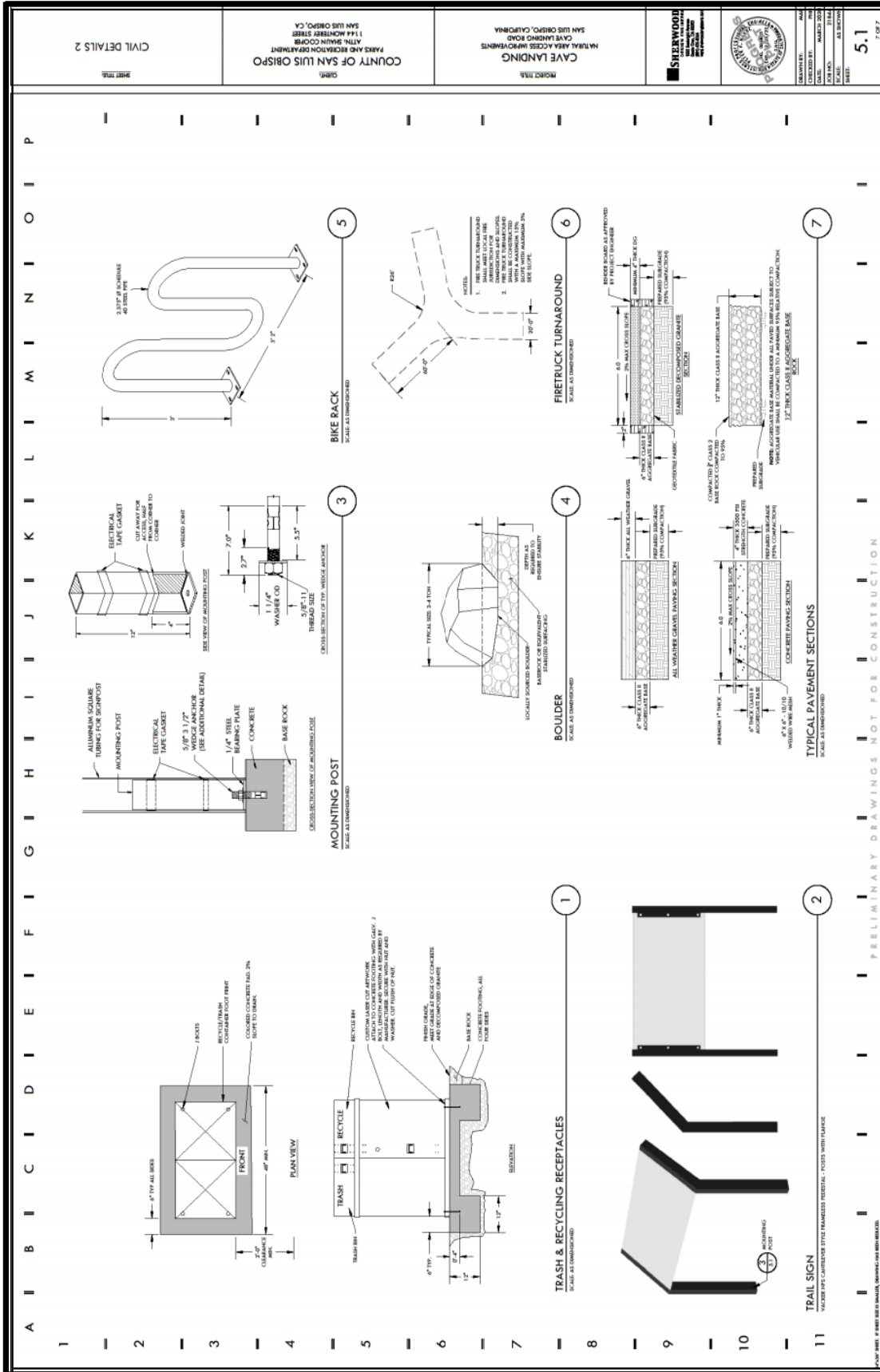




Improvements Detail DRC2020-00097

COUNTY OF SAN LUIS OBISPO





Improvements Detail DRC2020-00097

COUNTY OF SAN LUIS OBISPO





Parking Plan
DRC2020-00097

COUNTY OF SAN LUIS OBISPO



Questions?



COUNTY OF SAN LUIS OBISPO

www.slocounty.ca.gov



COUNTY OF SAN LUIS OBISPO
Department of Public Works
 John Diodati, *Interim Director*

RECOMMENDED CONDITIONS

Date: August 13, 2020
 To: Ian Landreth, Project Planner
 From: David E. Grim, Development Services
 Subject: **DRC2020-00097 County Parks Cave Landing-Pirate's Cove MUP, Cave Landing Rd., Avila Beach, APN 076-231-062**

Thank you for the opportunity to provide information on the proposed subject project. It has been reviewed by several divisions of Public Works, and this represents our consolidated response.

Public Works Comments:

- A. The project site is located on Cave Landing Road, a County maintained roadway.
- B. The proposed project is within the San Luis Bay Road Fee Area. However, since the project consists of access improvements only, and would not increase parking capacity, road improvement fees do not apply.
- C. The proposed project is within a drainage review area. A drainage plan is required to be prepared by a registered civil engineer and will be reviewed at the time of Building Permit submittal by Public Works. The applicant should review Section 23.05.040 of the Land Use Ordinance prior to future submittal of development permits.
- D. This project may be a regulated project as it is located in a Stormwater Management Area (MS4) and is therefore required to submit a Stormwater Control Plan (SWCP) Application or Stormwater Post Construction Requirements (PCRs) Waiver Request Form at time of construction permits.
- E. If the project site disturbs 1.0 acre or more the applicant must enroll for coverage under California's Construction General Permit, which may require preparation of a project Stormwater Control Plan even if it is located outside a Stormwater Management Area.

Recommended Project Conditions of Approval:

Access

1. **At the time of application for construction permits**, the applicant shall submit to the Department of Public Works an encroachment permit application, plans, fees, and post a cash damage bond to install improvements within the public right-of-way in accordance with County Public Improvement Standards. The plans are to include, as applicable:
 - a. The existing Cave Landing Road site access shall be improved according to the proposed plan.
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - c. Public utility plan, showing all existing utilities and installation of all new utilities to serve the site.

- d. Traffic control plan for construction in accordance with the California Manual on Uniform Traffic Control Devices (CA-MUTCD).
 - e. The applicant shall provide satisfactory evidence that the Army Corps of Engineers and the California Department of Fish and Game environmental permits have either been secured or that the regulatory agency has determined that their permit is not required.
- 2. **On-going condition of approval (valid for the life of the project)**, and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage, tree planting, fences, etc., without a valid encroachment permit issued by the Department of Public Works.
 - 3. **On-going condition of approval (valid for the life of the project)**, the property owner shall be responsible for operation and maintenance of public road frontage access, landscaping, maintaining County driveway sight distance standards, street lighting, and pedestrian amenities in a viable condition and on a continuing basis into perpetuity. Trash/recycling receptacles shall be kept at least 5 feet behind the edge of pavement to ensure adequate lateral clearance.
 - 4. **Prior to commencing permitted activities**, all work in the public right-of-way must be constructed or reconstructed to the satisfaction of the Public Works Inspector and in accordance with the County Public Improvement Standards; the project conditions of approval, including any related land use permit conditions; and the approved improvement plans.
 - 5. **At the time of application for construction permits**, the applicant shall provide evidence to the Department of Planning and Building that onsite circulation and pavement structural sections have been designed and shall be constructed in conformance with Cal Fire, or the regulating fire agency standards and specifications back to the nearest public maintained roadway.

Drainage & Flood Hazard

- 6. **At the time of application for construction permits**, the applicant shall submit complete drainage plans for review and approval in accordance with Section 23.05.040 of the Land Use Ordinance.
- 7. **At the time of application for construction permits**, the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with Section 23.05.036 of the Land Use Ordinance.

Stormwater Pollution Prevention Plan (SWPPP)

- 8. **At the time of application for construction permits**, if the project disturbs more than 1.0 acre or is part of a common plan of development, the applicant must enroll for coverage under California's Construction General Permit. Sites that disturb less than 1.0 acre must implement all required elements within the site's erosion and sediment control plan as required by San Luis Obispo County Codes.

Stormwater Control Plan (SWCP):

- 9. **At the time of application for construction or grading permits**, the applicant shall demonstrate whether the project is subject to post-construction stormwater requirements by submitting a Stormwater Control Plan application or Stormwater Post Construction Requirements (PCRs) Waiver Request Form.
 - a. The applicant must submit a SWCP for all regulated projects subject to Performance Requirement #2 and above. The SWCP must be prepared by an appropriately licensed professional and submitted to the County for review and approval. Applicants must utilize the County's latest SWCP template.
 - b. If post-construction stormwater control measures (SCMs) are proposed, the applicant must submit a draft Stormwater Operations and Maintenance Plan for review by the County. The plan must consist of the following Planning & Building Department forms;

1. Structural Control Measure Description (Exhibit B)
 2. Stormwater System Contact Information
 3. Stormwater System Plans and Manuals
- c. If applicable, following approval by the County, the applicant shall record with the County Clerk-Recorder the Stormwater Operation and Maintenance Plan and an agreement or provisions in the CCRs for the purpose of documenting on-going and permanent storm drainage control, management, treatment, inspection and reporting.
10. **Prior to acceptance of the improvements (if applicable)**, the Stormwater Operations and Maintenance plan and General Notice must be updated to reflect as-built changes, approved by the County, and re-recorded with the County Clerk-Recorder as amendments to the original document.

Recycling

11. **On-going condition of approval (valid for the life of the project)**, the applicants shall provide recycling opportunities to all facility users at all events in accordance with Ordinance 2008-3 of the San Luis Obispo County Integrated Waste Management Authority (mandatory recycling for residential, commercial and special events).

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David E. Grim

Development Services Manager

Public Works, County of San Luis Obispo

805-781-5252

From: Elizabeth Kavanaugh <ekavanaugh@co.slo.ca.us>

Sent: Tuesday, September 1, 2020 10:23 AM

To: David Grim <dgrim@co.slo.ca.us>; Ian N. Landreth <ilandreth@co.slo.ca.us>; Jeffrey A. Lambert <jalambert@co.slo.ca.us>

Cc: Shaun E. Cooper <secooper@co.slo.ca.us>

Subject: Pirates Cove/Cave Landing DRC 2020-00097 referral response

Hello David, Jeffrey and Ian,

I hope you are doing well and getting your life more and more back to normal.

I reviewed PW's referral response to this project and there are two conditions I would like to discuss with you gentlemen. The first is condition 1e -Army Core/DFG proof of no permit required language and condition 8 – SWPPP.

Is the Army Core/DFG proof of no permit required language stock language? If so, what is PW's way to easily check off that box. I ask because this project is receiving an environmental determination that is a categorical exemption. There will be no environmental mitigations, which means there is no reason to involve the Army Core or the DFG. I worry this one sentence will hold up this very simple project for months while working with these regulatory agencies to get letters for a project, with no mitigations. Ian Landreth is the project manager at the Planning Department. Ian can you confirm this project will receive a categorical exemption, environmental designation? Thanks

SWPPP- my boss Shaun Cooper worked with Jeff Lambert in PWs on the drainage and it was determined that a SWPPP will not be required. Mr. Lambert, can you please confirm this? Thanks. As the condition is written "if the project disturbs an acreit must enroll" my be confusing because Pirate Cove's parking lot is already over an acre and this project is mostly filling in the ruts and placing gravel over this parking lot. There is no grading associated with this project but the word "disturbs" in the condition and the size of large parking lot leave this project open to confusion during the building permit review process. Can it be removed?

Thank you gentlemen for time and consideration in this matter,

From: Jeffrey A. Lambert
Sent: Wednesday, September 2, 2020 9:34 AM
To: David Grim; Elizabeth Kavanaugh; Ian N. Landreth
Cc: Shaun E. Cooper
Subject: RE: Pirates Cove/Cave Landing DRC 2020-00097 referral response

Elizabeth—

I would like to clarify the SWPPP vs. SWCP.

The SWPPP are the stormwater requirements during construction. If you disturb more than 1 acre, you will be required to submit your project to the Water Board and establish a WDID number.

The SWCP are stormwater requirements after construction based on the new or replaced impervious area. There are several options that gives this project the ability to waive the post-construction stormwater requirement. Those option include: 1) Resurface with in-kind material without expanding the road or parking lot, 2) overlaying existing asphalt or concrete pavement with asphalt or concrete without expanding area of coverage, or 3) practices to maintain original line and grade, hydraulic capacity, and overall footprint of the road or parking lot.

Please let us know if you have any questions.

--Jeff Lambert, EIT
Development Services
Public Works Department
County of San Luis Obispo
805-781-5274

From: David Grim <dgrim@co.slo.ca.us>
Sent: Tuesday, 1 September, 2020 11:11
To: Elizabeth Kavanaugh <ekavanaugh@co.slo.ca.us>; Ian N. Landreth <ilandreth@co.slo.ca.us>; Jeffrey A. Lambert <jalambert@co.slo.ca.us>
Cc: Shaun E. Cooper <secooper@co.slo.ca.us>
Subject: RE: Pirates Cove/Cave Landing DRC 2020-00097 referral response

Hi Elizabeth – yes, the DFG/Army Corps condition is a stock condition. I can remove that and resend the response to Planning.

Jeff will respond regarding the SWPPP vs SWCP.

Thanks,

From: Aaron J. Nix
Sent: Tuesday, August 11, 2020 12:27 PM
To: Mail for PL_Referrals Group; Ian N. Landreth
Cc: Kip J. Morais
Subject: RE: Project Summary / Referral*: DRC2020-00097 Parks Dept (Cave Landing / Pirates' Cove Coastal Access), Minor Use Permit, Avila Beach

The Sheriff's Office has no issue with the proposed project and welcomes any efforts to improve access to the Cave Landing area.

Aaron Nix
Chief Deputy
Field Operations Bureau
San Luis Obispo County Sheriff's Office
1585 Kansas Avenue
San Luis Obispo, CA 93405
(805) 781-4580
anix@co.slo.ca.us

From: Mail for PL_Referrals Group <plreferrals@co.slo.ca.us>
Sent: Monday, August 10, 2020 2:50 PM
To: Ian N. Landreth <ilandreth@co.slo.ca.us>
Cc: Kip J. Morais <kmorais@co.slo.ca.us>
Subject: Project Summary / Referral*: DRC2020-00097 Parks Dept (Cave Landing / Pirates' Cove Coastal Access), Minor Use Permit, Avila Beach

*** For hyperlink or technical issues, or to update your agency/department's recipient and contact information, please contact Hilary Brown (hbrown@co.slo.ca.us or 805-788-2009)*

County of San Luis Obispo

Department of Planning & Building

We are requesting your review of this recently submitted application as the proposed project may be of interest or concern to your department/agency. Please click the direct hyperlink below titled "Project Summary / Referral*" for an overview of the project:

[Project Summary / Referral*](#): DRC2020-00097 Parks Dept (Cave Landing / Pirates' Cove Coastal Access), Minor Use Permit, Avila Beach
APN(s): 076-231-062

Direct comments or questions on this application to the project manager(s):

Ian Landreth (805-781-1298 or ilandreth@co.slo.ca.us)

Please comment within 14 days of receiving this e-mail (Community Advisory Groups: please respond within 60 days)

Referral Response:

As part of your response to this referral, please consider the following questions:

- Are there significant concerns, problems or impacts in your area of review?
- If Yes, please describe the impacts along with any recommendations to reduce the impacts in your response.
- If your community has a "vision" statement in the Area Plan - does the community feel this project helps to achieve that vision? If No, please describe.
- What does the community like or dislike about the project or proposal?
- Is the project compatible with surrounding development, does it fit in well with its surroundings? If No, are there changes in the project that would make it fit in better?
- Does the community believe the road(s) that provide access to the site is(are) already overcrowded?
- Does the community wish to have a trail in this location?
- If the proposal is a General Plan Amendment, does the community feel the proposed change would encourage other surrounding properties to intensify, or establish intense uses that would not otherwise occur?
- Please feel free to include information or questions other than those listed above. You may also choose to respond that you have no comments regarding the proposal.

****All information and/or material provided in the linked Referral Package is valid for 90 days after this correspondence. If current or additional information is needed, please contact the Project Manager for the most updated information***

[Search Public Information on the CSS \(Citizen Self Service\) Portal](#) by “plan” number (land use & subdivisions), building “permit” number, or APN

From: Sylvia Aldana
Sent: Friday, August 21, 2020 2:44 PM
To: Ian N. Landreth; Kip J. Morais
Cc: Cheryl Journey; Don C. Moore
Subject: Re: Project Summary / Referral*: DRC2020-00097 Parks Dept (Cave Landing / Pirates' Cove Coastal Access), Minor Use Permit, Avila Beach

Hello Ian,

The following are the Building Division Comments for Planning Project Request: DRC2020-00097

In regards to this preliminary review, a building permit is required. The drawings specify the work to be completed consists of the following: grading to repair the existing parking lot filling of ruts and potholes, resurfacing with base rock, creating 72 parking spaces with 4 of those being ADA accessible, improving site drainage with approximately 300 linear feet of vegetated bio-swales and two cobble energy dissipaters, installation of 2 permanent trash/recycling enclosures, 2 bike racks, and 11 signs, one monument sign (at entry), 4 directive and regulatory signs on single posts, 4 ADA parking signs on single posts and 2 educational signs about the Chumash experience and cultural history of the area on double post panels. This project also estimates approximately 2,000 cubic yards of fill and zero cut. A California State licensed design professional (Architect/Engineer) shall prepare plans in compliance with current codes adopted by the County of San Luis Obispo (Current version of the California Building Standards Codes and Title 19 of the SLO County Codes at time of permit submittal).

While a thorough plan review will be conducted at the time of building permit application, the following items are noted to assist design review and not necessarily be considered complete, due to the plans not being the final permit submittal package;

1. A California licensed Architect or Engineer is required to submit the plans for this project per BPC 5536.1.
2. A pre-application meeting will be needed prior to submitting for a building permit to answer any questions and / or discuss code related issues.
3. Specify the applicable codes on the cover sheet of the plans.
4. Specify the type of construction on the cover sheet of the plans for each item being permitted to comply with the California Building Code.
5. Specify any fire resistive materials or UL listing for equipment.
6. The accessibility elements to the equipment will need to be shown, detailed, and / or noted on the plans to verify compliance with CBC Chapter 11B. (i.e. accessible parking, path of travel, restroom design, accessible amenities, rooms, doors, electrical outlets, etc.).
7. The project will require a soils report.

8. A grading permit will be required if more than 50 cy of dirt will be moved for the well. Also, a SWPPP plan will be required for this project if the total area of disturbance for the project is 1 acre or greater.
9. Provide an equipment schedule on the plans and any referenced standards or spec sheets that are applicable.
10. Provide details for anchorage for all equipment. For equipment weighing more than 400 lbs, provide calculations for seismic anchorage in accordance with ASCE 7-10, Chapter 13.

Thank you

Sylvia Aldana
Plans Examiner III
County of San Luis Obispo
Planning and Building Department
(p) 805-781-4671
(f) 805-781-1242
saldana@co.slo.ca.us



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING

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From: Mail for PL_Referrals Group <plreferrals@co.slo.ca.us>
Sent: Monday, August 10, 2020 2:49 PM
To: Ian N. Landreth <ilandreth@co.slo.ca.us>
Cc: Kip J. Morais <kmorais@co.slo.ca.us>

Subject: Project Summary / Referral*: DRC2020-00097 Parks Dept (Cave Landing / Pirates' Cove Coastal Access), Minor Use Permit, Avila Beach

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**County of San Luis Obispo
Department of Planning & Building**

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**[Project Summary / Referral*](#): DRC2020-00097 Parks Dept (Cave Landing / Pirates' Cove Coastal Access), Minor Use Permit, Avila Beach
APN(s): 076-231-062**

Direct comments or questions on this application to the project manager(s):

Ian Landreth (805-781-1298 or ilandreth@co.slo.ca.us)

Please comment within 14 days of receiving this e-mail (Community Advisory Groups: please respond within 60 days)

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[Search Public Information on the CSS \(Citizen Self Service\) Portal](#) by "plan" number (land use & subdivisions), building "permit" number, or APN

Avila Valley Advisory Council

San Luis Obispo County, California

P.O. Box 65

Avila Beach, CA 93424 www.avac-avila.org

2020 Officers

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Jim Hartig

Vice Chair

Steve Benedict

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Jim Hartig

Ken Thompson

Martin Suits

Steve Benedict

Michael Clayton

Carol Hayden (alt)

Bill Crewe (alt)

See Canyon

Denise Allen

Open

Liz Gujo-Johnson (alt)

Squire Canyon

Kirt Collins

Margaret Greenough

Open (alt)

September 15, 2020

Re: DRC2020-00097 Parks Department, Cave Landing / Pirates' Cove

To: Ian Landreth, Planner, San Luis Obispo Planning Department

Ian,

The Avila Valley Advisory Council has long been a vital advocate of the previous proposed applications for improvements at Cave Landing/Pirates Cove. That support for this spectacular coastal resource continues with this current proposal. In fact, AVAC wishes the proposal could go further and continues to favor the following:

- Restricted hours after dark for the purpose of curtailing unlawful activity and graffiti.
- Toilet facilities, which are a basic necessity for which the lack of contributes to unsanitary and unsightly conditions.
- A focus on current and future removal of litter and graffiti.

All of the above are nuisances to the general public and should be considered as they diminish enjoyment of and access to the area.

Sincerely,

Jim Hartig

Jim Hartig, AVAC Chairperson

CC: SLO County BOS, Nick Franco, County Parks, Shaun Cooper, County Parks, Trevor Keith, Planning Department, Kimmie Nguyen, Planning Department, AVAC Members



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING
Notice of Exemption

PLN-1123
3/22/2018

Project Title and No.: Cave Landing, Minor Use Permit/Coastal Development Permit, DRC2020-00097 ED20-195

Project Location: 00000 Cave Landing Rd,
 Assessor Parcel Number: 076-231-062

Project Applicant/Phone No./Email:

Elizabeth Kavanaugh/805-781-
 4089/ekavanaugh@co.slo.ca.us

Applicant Address (Street, City, State, Zip):

1144 Monterey St, San Luis Obispo, CA 93408

Description of Nature, Purpose and Beneficiaries of Project: A request by the County of San Luis Obispo, Parks and Recreation Department for a Minor Use Permit/Coastal Development Permit to allow for the following improvements to the Cave Landing Natural Area Coastal Access/Trailhead parking: 1) Repair and maintenance of an existing parking area to provide up to 72 parking spaces (68 standard and four ADA accessible). 2) Installation of erosion and sedimentation controls 3) Addition of approximately 65 three to four-ton landscape boulders, two permanent trash/recycling enclosures, two bike racks, and 12 low profile signs. The project will result in the disturbance of approximately 1,650 cubic yards of fill and zero cut on approximately 1.05-acres of pre-disturbed area on a 26.83-acre parcel. A modification of the fencing and screening standards set forth in the Coastal Land Use Ordinance 23.04.190 is requested to waive fencing of the side and rear property lines to protect coastal views and access. The proposed project is within the Residential Rural land use category and is located at the south end of Cave Landing Road, approximately 3,000 feet south of the intersection of Cave Landing Road and Avila Beach Drive, within the community of Avila Beach, in the San Luis Bay (Coastal) planning area.

Name of Public Agency Approving Project: County of San Luis Obispo

Exempt Status: (Check One)

- ☐ Ministerial {Sec. 21080(b)(1); 15268}
- ☐ Declared Emergency {Sec. 21080(b)(3); 15269(a)}
- ☐ Emergency Project {Sec. 21080(b)(4); 15269(b)(c)}
- ☒ Categorical Exemption. {Sec.15301; Class: 1}
- ☐ Statutory Exemption {Sec.15302 ; Class: 2}
- ☐ General Rule Exemption. {Sec. 15061(b)(3)} (also complete GRE form PLN-1124)
- ☐ Not a Project

Reasons why project is exempt: The project qualifies for a Categorical Exemption under Class 1 and Class 2 as set forth in the CEQA Guidelines because the project consists of the repair, maintenance, and replacement of existing facilities. The project would result in marginal site disturbance for the installation of trash/recycling facilities, landscaping, erosion and sedimentation controls, bike racks, and signage. All project activities would occur in a previously disturbed area. The project is not located in a sensitive environment, would not have a cumulative impact, would not have a significant effect due to unusual circumstances, would not damage scenic resources, would not be located on a hazardous waste site, and would not affect any historical resources.

Ian Landreth

ilandreth@co.slo.ca.us / 805-781-1591

Lead Agency Contact Person

Telephone

If filed by applicant:

1. Attach certified document of exemption finding
2. Has a notice of exemption been filed by the public agency approving the project? Yes ☐ No ☐

Signature: _____ Date: _____

Name: Ian Landreth Title: Project Manager

On _____ the project was Approved by:

- | | | |
|---|---|--------------------------------------|
| <input type="checkbox"/> Board of Supervisors | <input type="checkbox"/> Subdivision Review Board | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Planning Commission | <input checked="" type="checkbox"/> Planning Dept Hearing Officer | |

Ian N. Landreth

From: Elizabeth Kavanaugh
Sent: Monday, August 10, 2020 1:00 PM
To: Ian N. Landreth
Cc: Shaun E. Cooper
Subject: FW: DRC2020-00097 Cave Landing - Pirates Cove Coastal Access Improvements \ Avila Community Plan
Attachments: 00_IHL PARKS DEPT (08-07-20) DRC2020-00097.pdf

Hi there,

The 1650 square feet of fill and zero cut that is called out on the plans is the true cut/fill figure. The 2000 sq.ft. figure on the application is because I always overestimate when asked to approximate.

The 2000m: Ian N. Landreth <ilandreth@co.slo.ca.us>

o **Sent:** Friday, August 7, 2020 2:30 PM

To: Steve Mc Masters <smcmasters@co.slo.ca.us>; Elizabeth Kavanaugh <ekavanaugh@co.slo.ca.us>

Cc: Shaun E. Cooper <secooper@co.slo.ca.us>

Subject: RE: DRC2020-00097 Cave Landing - Pirates Cove Coastal Access Improvements \ Avila Community Plan

Attachment

Hi Elizabeth,

I've finished looking over your submittal and believe there was only one point of clarification I was looking for. We just want to make sure we have the right cut/fill amounts. After discussing this project with Steve, I'm going to locate a copy of the Staff Report for the previous project to send to you so that you can take the first shot at it. I'll need to confirm which version is correct and will follow-up with you on Monday. Have a great weekend!

Best,
Ian

From: Steve Mc Masters <smcmasters@co.slo.ca.us>

Sent: Friday, August 7, 2020 2:09 PM

To: Elizabeth Kavanaugh <ekavanaugh@co.slo.ca.us>; Ian N. Landreth <ilandreth@co.slo.ca.us>

Cc: Shaun E. Cooper <secooper@co.slo.ca.us>

Subject: RE: DRC2020-00097 Cave Landing - Pirates Cove Coastal Access Improvements \ Avila Community Plan

EK,

We can probably fill out the NOE form by that timeframe, but it will not be approved/adopted until the MUP is acted on...and then we would file it after that.

Steven McMasters

Principal Environmental Specialist

(p) 805-781-5096

smcmasters@co.slo.ca.us

COUNTY OF SAN LUIS OBISPO PLANNING & BUILDING

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From: Elizabeth Kavanaugh <ekavanaugh@co.slo.ca.us>

Sent: Friday, August 7, 2020 1:43 PM

To: Ian N. Landreth <ilandreth@co.slo.ca.us>

Cc: Steve Mc Masters <smcmasters@co.slo.ca.us>; Shaun E. Cooper <seccooper@co.slo.ca.us>

Subject: RE: DRC2020-00097 Cave Landing - Pirates Cove Coastal Access Improvements \ Avila Community Plan

Hello Ian,

How was your week? Mine was pretty low key, working at home all week.

Attached please find the final version of the geology report for Pirate's Cove/Cave Landing. Please let me know if you need anything else to move forward with this project?

Parks will need a Categorical Exemption form for this project by the end of September to qualify for a grant that will construct this project. Is that possible? I cc'd Steve McMasters on this email because he has been in conversations regarding this CE, and could help you through this process if needed.

Have a great weekend, please feel free to reach out if you need anything else.

Attachment 6

From: Ian N. Landreth <ilandreth@co.slo.ca.us>
Sent: Thursday, July 30, 2020 2:30 PM
To: Elizabeth Kavanaugh <ekavanaugh@co.slo.ca.us>
Cc: Airlin Singewald <asingewald@co.slo.ca.us>; Kimberly Nguyen <knguyen@co.slo.ca.us>
Subject: DRC2020-00097 Cave Landing - Pirates Cove Coastal Access Improvements \ Avila Community Plan

Hi Elizabeth,

Thank you again for taking the time to meet with us today.

I just wanted to follow-up on the Geo Report by providing you the copy I currently have. If you can find the most recent report I think that would be best. You had mentioned you had some comments from a previous peer review that would also be beneficial in aiding my review.

You can get a hold of me through email or my Google Voice #805-316-1241 since I'm telecommuting and won't be at my desk.

Best,

Attachment 6



Ian Landreth

Planner

Planning and Building, County of San Luis Obispo

Tel: (805) 781-1298 | Fax: (805) 781-4848

[Website](#) | [Map](#)

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From: Sherri Danoff <sherri39@charter.net>
Sent: Monday, August 10, 2020 6:04 PM
To: Ian N. Landreth
Cc: annemb@sbcglobal.net; runhartig_gmail.com
Subject: [EXT]Parks Project Application for Cave Landing

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Hello Ian,

I'm an AVAC member who will be reviewing this project and have a question: The applicant mentions ongoing maintenance in #5 on the project description sheet submitted. Is initial removal of graffiti intended?

Thanks,

Sherri

From: Shaun E. Cooper
Sent: Monday, August 17, 2020 3:18 PM
To: David Grim
Cc: Ian N. Landreth; Nick Franco
Subject: RE: Project Summary / Referral*: DRC2020-00097 Parks Dept (Cave Landing / Pirates' Cove Coastal Access), Minor Use Permit, Avila Beach

Hi David,

Nick is correct the ROW is only being used for the emergency "Y" turn around area, which will utilize the existing AC road surfacing and will add all weather gravel in the parking lot to form the full "Y" turning surface. No additional parking is proposed within the ROW. Parking/visitor capacity will not be increased by site improvements.

Let me know if you have follow up questions or need additional information.

Sincerely,

Shaun Cooper

Senior Planner

(p) 805-781-4388

(cell) 805-801-5627

(f) 805-781-1102

secooper@co.slo.ca.us



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From: Nick Franco <nfranco@co.slo.ca.us>
Sent: Monday, August 17, 2020 12:50 PM
To: David Grim <dgrim@co.slo.ca.us>
Cc: Ian N. Landreth <ilandreth@co.slo.ca.us>; Shaun E. Cooper <secooper@co.slo.ca.us>
Subject: RE: Project Summary / Referral*: DRC2020-00097 Parks Dept (Cave Landing / Pirates' Cove Coastal Access), Minor Use Permit, Avila Beach

Hi David,

Shaun can best answer these. I believe there is some use of ROW for the emergency turn around area, but no parking. It won't increase parking. I'll let Shaun chime in on specifics.

Thanks,
Nick

From: David Grim <dgrim@co.slo.ca.us>
Sent: Monday, August 17, 2020 11:32 AM
To: Nick Franco <nfranco@co.slo.ca.us>
Cc: Ian N. Landreth <ilandreth@co.slo.ca.us>
Subject: RE: Project Summary / Referral*: DRC2020-00097 Parks Dept (Cave Landing / Pirates' Cove Coastal Access), Minor Use Permit, Avila Beach

Hi Nick,

Can you confirm the following on this project:

1. There are no improvements proposed in the County road right-of-way. (No additional parking would be allowed in the County right-of-way.)
2. Site improvements will not increase the parking/visitor capacity.

Thanks,



David E. Grim

Development Services Manager / EOC Logistics
Public Works, County of San Luis Obispo
805-781-5252

From: Mail for PL_Referrals Group <plreferrals@co.slo.ca.us>
Sent: Monday, August 10, 2020 2:50 PM
To: Ian N. Landreth <ilandreth@co.slo.ca.us>
Cc: Kip J. Morais <kmorais@co.slo.ca.us>
Subject: Project Summary / Referral*: DRC2020-00097 Parks Dept (Cave Landing / Pirates' Cove Coastal Access), Minor Use Permit, Avila Beach

*** For hyperlink or technical issues, or to update your agency/department's recipient and contact information, please contact Hilary Brown (hbrown@co.slo.ca.us or 805-788-2009)*

County of San Luis Obispo

Department of Planning & Building

We are requesting your review of this recently submitted application as the proposed project may be of interest or concern to your department/agency. Please click the direct hyperlink below titled "Project Summary / Referral*" for an overview of the project:

[Project Summary / Referral](#)*: DRC2020-00097 Parks Dept (Cave Landing / Pirates' Cove Coastal Access), Minor Use Permit, Avila Beach
APN(s): 076-231-062

Direct comments or questions on this application to the project manager(s):
Ian Landreth (805-781-1298 or ilandreth@co.slo.ca.us)

Please comment within 14 days of receiving this e-mail (Community Advisory Groups: please respond within 60 days)

Referral Response:

As part of your response to this referral, please consider the following questions:

- Are there significant concerns, problems or impacts in your area of review?
- If Yes, please describe the impacts along with any recommendations to reduce the impacts in your response.
- If your community has a "vision" statement in the Area Plan - does the community feel this project helps to achieve that vision? If No, please describe.
- What does the community like or dislike about the project or proposal?
- Is the project compatible with surrounding development, does it fit in well with its surroundings? If No, are there changes in the project that would make it fit in better?
- Does the community believe the road(s) that provide access to the site is(are) already overcrowded?
- Does the community wish to have a trail in this location?
- If the proposal is a General Plan Amendment, does the community feel the proposed change would encourage other surrounding properties to intensify, or establish intense uses that would not otherwise occur?
- Please feel free to include information or questions other than those listed above. You may also choose to respond that you have no comments regarding the proposal.

****All information and/or material provided in the linked Referral Package is valid for 90 days after this correspondence. If current or additional information is needed, please contact the Project Manager for the most updated information***

[Search Public Information on the CSS \(Citizen Self Service\) Portal](#) by “plan” number (land use & subdivisions), building “permit” number, or APN

From: Shaun E. Cooper
Sent: Tuesday, September 8, 2020 12:13 PM
To: runhartig_gmail.com
Cc: Nick Franco; Elizabeth Kavanaugh; Ian N. Landreth
Subject: FW: Cave Landing Natural Area Improvements Project Presentation for September 14 Meeting Avila Valley Advisory Council

FYI- below is a comment in response to the Cave Landing project.

Shaun Cooper

Senior Planner

(p) 805-781-4388

(cell) 805-801-5627

(f) 805-781-1102

secooper@co.slo.ca.us



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From: Ryan Whiteside <ryandegrunt@gmail.com>
Sent: Saturday, September 5, 2020 6:29 AM
To: Shaun E. Cooper <secooper@co.slo.ca.us>
Subject: Re: Cave Landing Natural Area Improvements Project Presentation for September 14 Meeting Avila Valley Advisory Council

I hope you don't turn this into some multi-million dollar project like you did with pismo preserve. Some real easy solutions would be putting several trash cans, increasing signage, and conducting more sheriff patrols. But I have little faith that you will take the cost effective approach and turn this into some million dollar project. Oh well, will see I guess. Just have trash cans up there alone would be a HUGE improvement. That one thing alone. But I'm sure you want to try to make it all fancy and super costly.

On Sep 4 2020, at 3:19 pm, Shaun E. Cooper <secooper@co.slo.ca.us> wrote:

Hello,

You are receiving this e-mail because you are on the interested parties list for the proposed Cave Landing Natural Area improvements project.

County Parks staff have applied for a use permit and will be presenting the proposed project at the September 14 Avila Valley Advisory Council (AVAC) meeting. The meeting will be a virtual meeting via Zoom and will begin at 7:00 PM. Your e-mail address has

been provided to AVAC so that they can send you an invitation to the meeting via e-mail. Below is link to AVAC's web site with additional information about the meeting:

<https://avac-avila.org/>

Sincerely,

Shaun Cooper

Senior Planner

(p) 805-781-4388

(cell) 805-801-5627

(f) 805-781-1102

secooper@co.slo.ca.us

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From: Shaun E. Cooper
Sent: Tuesday, September 8, 2020 12:37 PM
To: Judy Brown
Cc: runhartig_gmail.com; Nick Franco; Elizabeth Kavanaugh; Ian N. Landreth
Subject: RE: Cave Rock Landing

Hi Judy,

Thank you for your comments. I have copied the AVAC chair on this e-mail so AVAC will have your comments.

Sincerely,

Shaun Cooper
Senior Planner
(p) 805-781-4388
(cell) 805-801-5627
(f) 805-781-1102
secooper@co.slo.ca.us

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<https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.slocountyparks.org%2F&data=02%7C01%7Cilandreth%40co.slo.ca.us%7C5df61dfad6814b875ea908d8542e7e5e%7C84c3c7747fdf40e2a59027>

b2e70f8126%7C0%7C0%7C637351905946563518&sdata=rJh23xyxSFXyL2EW%2FFHpKkB6dLNJpBXvff4XEYAbLW8%3D&reserved=0

<https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.slocounty.ca.gov%2F&data=02%7C01%7Cilandreth%40co.slo.ca.us%7C5df61dfad6814b875ea908d8542e7e5e%7C84c3c7747fdf40e2a59027b2e70f8126%7C0%7C0%7C637351905946563518&sdata=PQU nSNbNBY2ZTCcwtRCrxGvM2JPa1wXwjRH%2B4IAfi%2F4%3D&reserved=0>

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-----Original Message-----

From: Judy Brown <notmelo@aol.com>

Sent: Saturday, September 5, 2020 8:53 AM

To: Shaun E. Cooper <secooper@co.slo.ca.us>

Subject: Cave Rock Landing

Shaun,

Thanks for the info on the meeting. I am not good on Zoom 😂 (I understand the need for it). I support your plan 100 percent. One of the biggest problems on that beach is alcohol and drugs. A sign saying no alcohol and no smoking allowed, would be a big help! I know

they wouldn't abide by it. But at least the Sheriff would have a way to police. Also, I sign no fires. The homeowners above the beach do not want their homes burn down because of a fire or a smoker on the beach. The Bluff top and hillside is very dry. The graffiti is horrible and people need to be fined for it. Chris a waiter at Cafe Roma said he took a friend there last month and a Rock fell of the size of the patio at cafe Roma.(8x20). My other concern is the slide area between Cave Rock Landing and Bluff Drive. We need to make sure that the beach and trail is closed to protect from any rocks that Dislodge during construction.

Please convey these thoughts at meeting if appropriate. Thanks for your help, keeping my fingers crossed that it gets approved.

Judy Brown
66 Bluff Drive

Sent from my iPhone

Ian N. Landreth

From: Elizabeth Kavanaugh
Sent: Tuesday, September 8, 2020 3:23 PM
To: Ian N. Landreth
Subject: RE: Read this Pirates Cove staff report

Ian,

While you review can you replace any reference to 10 to 15 feet of fill in the parking lot with 1 to 2 feet which is the truth. I misread the symbols in the cultural report. Sorry about that.

From: Ian N. Landreth <ilandreth@co.slo.ca.us>
Sent: Tuesday, September 8, 2020 10:06 AM
To: Elizabeth Kavanaugh <ekavanaugh@co.slo.ca.us>; Steve Mc Masters <smcmasters@co.slo.ca.us>
Cc: Shaun Cooper <shaunecoop@gmail.com>
Subject: RE: Read this Pirates Cove staff report

Hi Elizabeth,

Thank you for sending this over! I'll review and get this to Steve by tomorrow hopefully. I'll keep you informed.

Thank you,
Ian

From: Elizabeth Kavanaugh <ekavanaugh@co.slo.ca.us>
Sent: Friday, September 4, 2020 6:12 PM
To: Steve Mc Masters <smcmasters@co.slo.ca.us>; Ian N. Landreth <ilandreth@co.slo.ca.us>
Cc: Shaun Cooper <shaunecoop@gmail.com>
Subject: Read this Pirates Cove staff report

Hello Steve and Ian,

Attached is the revised staff report without variance discussion

From: Steve Mc Masters <smcmasters@co.slo.ca.us>
Sent: Friday, September 4, 2020 5:25 PM
To: Elizabeth Kavanaugh <ekavanaugh@co.slo.ca.us>; Ian N. Landreth <ilandreth@co.slo.ca.us>
Cc: Shaun E. Cooper <secooper@co.slo.ca.us>
Subject: RE: Pirate Cove Staff report

Elizabeth,

I agree...I think we should take the tact that the past project (if questioned) included improvements related to the parking lot that represented an intensification of use or expansion of use of the parking lot (thus requiring the Variance). The current project could be characterized as more of a repair or maintenance of the existing facility without expanding the use.

Steven McMasters
Principal Environmental Specialist
(p) 805-781-5096
smcmasters@co.slo.ca.us

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PLANNING & BUILDING

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From: Elizabeth Kavanaugh <ekavanaugh@co.slo.ca.us>
Sent: Friday, September 4, 2020 5:17 PM
To: Steve Mc Masters <smcmasters@co.slo.ca.us>; Ian N. Landreth <ilandreth@co.slo.ca.us>
Cc: Shaun E. Cooper <secooper@co.slo.ca.us>
Subject: Pirate Cove Staff report

Hello Gentlemen,

Attachment 6

Attached please find a draft staff report for Pirate's Cove Coastal Access project. There is an issue with parking lot being in the front setback at Cave Landing Road. This appears to require a variance to that LUO standards. My thought has always been that this project is an improvement to the existing parking and not a new parking lot that would require meeting this standard; however, I noticed the staff report for the previous project on this site called for a variance for the same front setback issue. We were paving the parking lot then and we propose to use base rock now so maybe that makes a difference.

In this staff report I have highlighted the areas that discuss this issue and included language to support the variance or a determination that this project is just improving the existing parking lot and not creating a new one and therefore doesn't need the variance. The final two pages of this report you'll find the variance discussion and findings for this project if needed.

Let me know your thoughts and have a great long weekend!

From: SLO Brian <slobrian88@gmail.com>
Sent: Wednesday, September 9, 2020 12:37 AM
To: Shaun E. Cooper
Cc: Elizabeth Kavanaugh; Nick Franco; Ian N. Landreth; runhartig_gmail.com
Subject: [EXT]Re: Cave Landing Natural Area Improvements Project Presentation for September 14 Meeting Avila Valley Advisory Council
Attachments: For AVAC 2020-09-14 Meeting (LoConte).pptx

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Shaun, [et.al.](#)

As I worked on the 1 slide, it seemed 2 other slides were necessary for context. Attached is a short PowerPoint. Again, I can fully support the project as described, but feel that slightly increasing the parking lot width needs to be discussed.

It would be great if I could meet you & Nick at the Parks office! I simply don't feel comfortable trying to learn/use zoom for this important meeting.

Thanks, Brian

On Tue, Sep 8, 2020 at 2:18 PM Shaun E. Cooper <secooper@co.slo.ca.us> wrote:

Hi Brian,

Another option for the meeting would be for you to meet Nick and me at the Parks office and we could zoom into the meeting together in the parks conference room (wearing masks & 6-feet apart).

Yes, please send your slide to me and I will coordinate with the AVAC chair.

Elizabeth,

To address Brian's question: Is there really up to 10-feet of existing fill on site over the parking lot?

Thanks,

Shaun Cooper

Senior Planner

(p) 805-781-4388

(cell) 805-801-5627

(f) 805-781-1102

secooper@co.slo.ca.us



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From: SLO Brian <slobrian88@gmail.com>

Sent: Tuesday, September 8, 2020 1:13 PM

To: Shaun E. Cooper <secooper@co.slo.ca.us>

Cc: Nick Franco <nfranco@co.slo.ca.us>; Elizabeth Kavanaugh <ekavanaugh@co.slo.ca.us>; Ian N. Landreth <ilandreth@co.slo.ca.us>

Subject: Re: Cave Landing Natural Area Improvements Project Presentation for September 14 Meeting
Avila Valley Advisory Council

Hey Shaun,

I do have a smart phone 805 470-8849. I'll need instructions.

I'd like to provide one slide [I'm still putting it together; hope to finish by tomorrow] for group discussion. It would affect project total fill volume. Do I send it to you or Jim?

The project looks good to me.

I did note on pg 10 of 27 @ 23.07.107 that it states site has >10ft fill. Is this a typo? My understanding is that was 10-12 inches.

Brian

On Tue, Sep 8, 2020, 12:23 Shaun E. Cooper <secooper@co.slo.ca.us> wrote:

Hi Brian,

I hope all is well with you.

Do you have a smart phone that you can use for the AVAC zoom meeting? If not, we can figure out a way for you to participate. We've come up with creative ways to connect people. One option would be for me to e-mail you the presentation ahead of time and then have you call my cell phone during the meeting so I can put it on speaker for you to listen to and speak during the meeting.

Take care,

Shaun Cooper

Senior Planner

(p) 805-781-4388

(cell) 805-801-5627

(f) 805-781-1102

secooper@co.slo.ca.us

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From: Sherri Danoff <sherri39@charter.net>

Sent: Saturday, September 5, 2020 1:46 AM

To: 'SLO Brian' <slobrian88@gmail.com>; runhartig@gmail.com <runhartig@gmail.com>

Cc: Shaun E. Cooper <secooper@co.slo.ca.us>

Subject: RE: Cave Landing Natural Area Improvements Project Presentation for September 14 Meeting
Avila Valley Advisory Council

Hi Brian,

Usually with Zoom there is ability to phone-in, but I've been informed that, for some reason, AVAC does not offer this option. Presumably depending on the capacity of your computer, a device can be purchased that adds a camera and audio.

If you have a smart phone you can click on the meeting link to download Zoom and then follow the instruction to access the meeting.

All the best,

Sherri

From: SLO Brian <slobrian88@gmail.com>
Sent: Friday, September 4, 2020 10:51 PM
To: Jim Hartig <runhartig@gmail.com>; Sherri Danoff <sherri39@charter.net>
Cc: Shaun E. Cooper <secooper@co.slo.ca.us>
Subject: Fwd: Cave Landing Natural Area Improvements Project Presentation for September 14 Meeting Avila Valley Advisory Council

I don't know how to zoom. My computer doesn't have a camera. What are my options?

Will project specifics be available under current issues prior to meeting?

Brian

----- Forwarded message -----

From: Shaun E. Cooper <secooper@co.slo.ca.us>
Date: Fri, Sep 4, 2020, 14:19
Subject: Cave Landing Natural Area Improvements Project Presentation for September 14 Meeting Avila Valley Advisory Council
To:

Hello,

You are receiving this e-mail because you are on the interested parties list for the proposed Cave Landing Natural Area improvements project.

County Parks staff have applied for a use permit and will be presenting the proposed project at the September 14 Avila Valley Advisory Council (AVAC) meeting. The meeting will be a virtual meeting via Zoom and will begin at 7:00 PM. Your e-mail address has been provided to AVAC so that they can send you an invitation to the meeting via e-mail. Below is link to AVAC's web site with additional information about the meeting:

<https://avac-avila.org/>

Sincerely,

Shaun Cooper

Senior Planner

(p) 805-781-4388

(cell) 805-801-5627

(f) 805-781-1102

secooper@co.slo.ca.us

COUNTY OF SAN LUIS OBISPO

PARKS AND RECREATION DEPARTMENT

1144 Monterey Street

San Luis Obispo, CA 93408

www.slocountyparks.org

www.slocounty.ca.gov erson

From: Shaun E. Cooper
Sent: Tuesday, September 15, 2020 4:53 PM
To: Ian N. Landreth
Cc: Nick Franco; Elizabeth Kavanaugh
Subject: FW: Cave Landing - Excellent Job

FYI-see below comment regarding the project.

From: Gene Quayle <genequayle@sbcglobal.net>
Sent: Tuesday, September 15, 2020 3:19 PM
To: Shaun E. Cooper <secooper@co.slo.ca.us>
Subject: Cave Landing - Excellent Job

Shaun,

I just wanted to say thanks for your excellent presentation on the Cave Landing Project yesterday. I think it has an excellent chance for success with just a minor use permit. I will do my best to help it along, and try to convince others to do the same.

It has all the elements that everybody can agree on.

Sincerely,

Gene Quayle
Grover Beach
805-235-5620

From: Shaun E. Cooper
Sent: Tuesday, September 15, 2020 5:00 PM
To: Ian N. Landreth
Subject: FW: Cave Landing Natural Area Improvements Project Presentation for September 14 Meeting Avila Valley Advisory Council
Attachments: Cave Landing AVAC 9.14.2020.pdf

FYI- public comment/question from yesterday

From: Shaun E. Cooper
Sent: Monday, September 14, 2020 8:18 PM
To: Mona Tucker <olivas.mona@gmail.com>
Subject: RE: Cave Landing Natural Area Improvements Project Presentation for September 14 Meeting Avila Valley Advisory Council

Hi Mona,

I have attached the power point presentation along with Brian LoConte's public comment slides (3) at the end. He is proposing that a portion of the vegetation, on the east side of the parking lot entrance be used for an expanded parking area. Feel free to call me on my cell phone (below) to discuss further tomorrow.

Sincerely,

Shaun Cooper

Senior Planner
(p) 805-781-4388
(cell) 805-801-5627
(f) 805-781-1102
secooper@co.slo.ca.us



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San Luis Obispo, CA 93408

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From: Mona Tucker <olivas.mona@gmail.com>
Sent: Monday, September 14, 2020 7:51 PM
To: Shaun E. Cooper <secooper@co.slo.ca.us>
Subject: Re: Cave Landing Natural Area Improvements Project Presentation for September 14 Meeting Avila Valley Advisory Council

Hello Shaun:

I'm watching the Sept 14th zoom meeting. Was there an illustration of additional parking by cutting into the vegetated area in the center of the parking lot? It looked like someone drew a red line into that protected area. Can you clarify if that is now part of, or could become part of the plan?

Thank you,
Mona

Mona Olivas Tucker, Chair
yak titʷu titʷu yak tilhini – Northern Chumash Tribe
San Luis Obispo County and Region

On Fri, Sep 4, 2020 at 2:19 PM Shaun E. Cooper <secooper@co.slo.ca.us> wrote:

Hello,

You are receiving this e-mail because you are on the interested parties list for the proposed Cave Landing Natural Area improvements project.

County Parks staff have applied for a use permit and will be presenting the proposed project at the September 14 Avila Valley Advisory Council (AVAC) meeting. The meeting will be a virtual meeting via Zoom and will begin at 7:00 PM. Your e-mail address has been provided to AVAC so that they can send you an invitation to the meeting via e-mail. Below is link to AVAC's web site with additional information about the meeting:

<https://avac-avila.org/>

Sincerely,

Shaun Cooper

Senior Planner

(p) 805-781-4388

(cell) 805-801-5627

(f) 805-781-1102

secooper@co.slo.ca.us



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**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT
Tentative Notice of Action**

MEETING DATE October 16, 2020 EFFECTIVE DATE October 31, 2020	CONTACT/PHONE Eric Hughes (805) aa ehughes@co.slo.us	APPLICANT Copper Creek Farms, LLC	FILE NO. DRC2019-00042
SUBJECT A request by Copper Creek Farms, LLC for a Minor Use Permit (DRC2019-00042) to establish a phased cannabis cultivation operation including approximately 3.0 acres (130,680 square-feet) of outdoor mature cannabis cultivation canopy, a maximum of 22,000 square-feet of indoor mixed-light cannabis cultivation canopy, up to 5,000 square-feet of ancillary nursery cannabis cultivation canopy for use only onsite, and ancillary processing (trimming, drying, packaging) of the cannabis grown and harvested onsite. The project includes a request for a modification from the parking provisions set forth in Section 22.18.050.C.1 of the County Land Use Ordinance to allow for a total of 3 parking spaces where 55 are required. The proposed project would result in the disturbance of approximately 5.7 acres and would result in less than 50 cubic yards of grading on a portion of a 54-acre parcel. The project site is located on the north side of Neal Spring Road, approximately 2.5 miles east of the Templeton Urban Reserve Line. The project site is in the Agriculture land use category and in the El Pomar-Estrella Sub-Area of the North County Planning Area.			
RECOMMENDED ACTION Approve Minor Use Permit DRC2019-00042 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and California Code of Regulations Section 15000 et seq.) has been issued on July 10, 2020, for this project. Mitigation measures are proposed to address potential impacts on aesthetics, agriculture, air quality, biological resources, energy, greenhouse gases, and hydrology and water quality are included as conditions of approval.			
LAND USE CATEGORY Agricultural	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 020-301-010	SUPERVISOR DISTRICT(S) 1
PLANNING AREA STANDARDS: Pomar-Estrella Sub-Area Standards, North County Planning Area Does the project conform to the Land Use Ordinance Standards: Yes - see discussion			

LAND USE ORDINANCE STANDARDS:

Section 22.40.040 – Requirements for All Cannabis Activities

Section 22.40.050 – Cannabis Cultivation

Does the project conform to the Land Use Ordinance Standards: Yes - see Attachment 4

EXISTING USES:

There are two storage containers currently on the property, and applications have been submitted for new residential structures. The property is currently used for grain production.

SURROUNDING LAND USE CATEGORIES AND USES:

North: Agriculture / Rural single-family residences

East: Residential rural / Rural single-family residences / Agricultural uses / blue-line creek

South: Agriculture/ agricultural uses / accessory structures / Single-family residences

West: Agriculture / Blue-line creek / single family residences

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:

The project was referred to: Building Division, Assessor Office, Public Works, Agricultural Commissioner, Sheriff, Planning Division- Williamson Act, Cal Fire/County Fire, California Department of Fish and Wildlife, US Fish and Wildlife, Regional Water Quality Control Board, Assembly Bill 52 Tribes

TOPOGRAPHY:

Gently rolling

VEGETATION:

Agriculture, Non-native grassland, Oaks

PROPOSED SERVICES:

Water supply: *On-site well*

Sewage Disposal: *Individual septic system*

Fire Protection: *County/CAL FIRE Station #30*

ACCEPTANCE DATE:

January 29, 2020

ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT:
COUNTY GOVERNMENT CENTER □ SAN LUIS OBISPO □ CALIFORNIA 93408 □ (805) 781-5600 □ FAX: (805) 781-1242

DISCUSSION

PROJECT HISTORY:

The property currently has two storage containers developed on it and is being used for grain production. There have been applications submitted for development of new residential structures on the property.

PROJECT DESCRIPTION:

The proposed project would establish the phased development of 3.0 acres, or 130,680 square feet (sf) of outdoor mature cannabis cultivation canopy, up to 22,000 sf of indoor mixed-light cannabis cultivation, and up to 5,000 sf of immature cannabis cultivation (ancillary nursery). The project also proposes the development of ancillary structures for onsite cannabis processing activities including trimming, drying, and packaging.

Outdoor Cultivation

Phase 1 of the project would include the development of 3.75 acres of outdoor mature cannabis cultivation area. The proposed development during this phase includes the establishment of a 3.0-acre (130,680 sf) outdoor cannabis cultivation canopy with 0.75 acres of walkway area, and the installation of two new 320-sf shipping containers for processing of cannabis grown onsite. The outdoor cultivation area would be located in an existing plowed field near the center of the property that has been historically used to grow grain crops. The cultivation area would be located within temporary hoop structures and would be planted in furrows and covered in plastic to retain soil moisture.

Indoor Cultivation

Phase 2 of the project would include the construction of seven (7) 3,000-sf greenhouses for indoor mixed-light cannabis cultivation (21,000 sf) and a 5,000-sf greenhouse to be used as an ancillary nursery within the fenced area proposed in Phase 1. Minimal grading of less than 50 cubic yards would be required to provide vehicle access around the facilities. Construction of Phase 2 structures would take approximately 6 months.

Ancillary Activities

Phase 1 would include the installation of two 320-sf shipping containers for the purpose of processing. Removal of the two 320-sf shipping containers proposed in Phase 1 and the construction of a new 3,000-sf metal building for ancillary processing activities would occur during Phase 2. Ancillary structures would be used for onsite cannabis processing activities including trimming, drying, and packaging.

Other Development

Phase 1 of the project also proposes installation of new irrigation lines, installation of new 6-foot fencing around the cannabis operation, installation of solar-powered security cameras, installation of electrical utilities to service the security system, and erection of temporary restroom facilities and wash trailers. The irrigation lines would connect to the cultivation area from the existing 5,000-gallon water storage tank near the onsite well. Two new 5,000-gallon water storage tanks would be constructed to support the project's water demands and for fire suppression. A six-foot-six-inch-high, welded pipe and chain link fence would be constructed around the proposed perimeter of the operation including those proposed in Phase 2. The portable restrooms and washrooms would be located within the fenced area and a designated parking area would be located outside

of the fenced area. The project proposes a modification to LUO Section 22.18.050 to allow for the construction of 3 parking spaces (that includes ADA accommodations). Another designated parking area would be located to the east of the project site on already graded land.

Phase 2 of the project proposes the installation of overhead electrical service to the greenhouses and processing facilities through preexisting structures and would be supplied by PG&E. Additionally, a septic system and leach lines will be installed as part of Phase 2

Operations

The project would employ up to 2 full-time employees, with an average of 2 employees on site each day, and the hours of operation would be from sunrise to sunset, seven days a week. During peak harvest times, the operation could employ up to 10 additional part-time/temporary employees.

The outdoor cultivation area would be harvested two times per year and the indoor mixed-light cultivation area would be harvested three times per year. The proposed ancillary nursery would be utilized to support onsite cannabis cultivation only and immature plants would not be distributed offsite.

The project is expected to generate a maximum of 8 daily trips including up to 3.3 vehicle trips during the PM peak hour (4:00 PM – 6:00 PM). The project would not include sales on-site and no exterior signage is proposed.

Odor Control

The project would need to comply with odor control standards set forth in County Land Use Ordinance (LUO) Section 22.40.050.D.8. To prevent nuisance odors from disturbing surrounding areas the project proposes the use of carbon scrubbers in the greenhouses and processing buildings.

As required by LUO 22.40.50.D.3, the proposed cultivation site would be setback at least 300 feet from the property line. This cultivation area could produce objectionable odors during the maturing and harvest season each year and has been determined to be located and designed in a manner that would prevent all cannabis nuisance odors from being detected offsite, in accordance with LUO 22.40.50.D.8.

The project site meets all location setback standards related to sensitive receptors such as schools, parks and playgrounds, and day care centers. Apart from sensitive receptors to cannabis operations as defined by state law, additional consideration is given to proximity to residential structures. Proximity to residential structures is considered in relation to neighborhood compatibility and potential for nuisance odor. The nearest off-site residence is located approximately 640 feet to the north.

The project would be required to participate in an ongoing cannabis monitoring program. Once implemented by the County, the project site would be inspected four times per year to ensure ongoing compliance with conditions of approval, including those relating to odor management. In the event of a verified nuisance complaint, the County could pursue remedial action that may include the reduction or cessation of operations until a revised operations plan is reviewed and approved by the County Department of Planning and Building, abatement of the violation pursuant to LUO Section 22.40.130, and/or permit revocation pursuant to LUO Sections 22.40.110 and 22.40.120.

Water Usage

The projected annual water use for the project is 2,157,480 gallons per year (5.28 acre-feet). The project proposes to use water from an existing onsite well that pumps approximately 67 gallons per minute. The onsite well draws water from the Paso Robles Formation aquifer within the Paso Robles Groundwater Basin (PRGWB), which is categorized as being in a state of critical overdraft. It is also located within the area that is categorized as being in severe decline and is required to offset water usage at a 2:1 ratio per LUO Requirements. Per the Countywide Water Conservation Program (CWWCP), the project applicant would be required to offset this new water use at a 2:1 ratio through installation of efficient water systems and fixtures and/or participation in an approved water conservation program. Offsetting the water demand of the proposed project in accordance with the CWWCP would result in a net-neutral water demand on the groundwater basin. The project would incorporate technology and infrastructure that would reduce project impacts on water usage.

Water for the project would be stored in an existing 5,000-gallon water tank and a proposed 5,000-gallon water tank. The water would be delivered to the cultivation site through the development of new irrigation lines that would run from the storage tanks to the site.

Security

The project proposes to implement solar-powered security cameras and a six-foot-six-inch welded pipe and chain link fence around the project area.

Neighborhood Compatibility

The area surrounding the proposed project area is currently used for agricultural purposes and supports scattered rural residences. The project site is located within the center of the 54-acre parcel in order to comply with LUO 22.40.50.D.3 which requires a minimum of a 300-foot setback from the property line. The project would be screened from public viewing in accordance with LUO 22.40.050.D.6. The project would prevent nuisance odors from disturbing surrounding areas through the use of carbon scrubbers and maintaining a minimum of a 300-foot setback from the property line in accordance with LUO 22.40.050.D.3 and LUO 22.40.050.D.8. Noise from the project is expected to stay below 65 db during project operation therefore would not surpass a county identified level of significance.

MODIFICATIONS:

Section 22.18.050 – Required Number of Parking Spaces

For purposes of parking requirements, the LUO considers cannabis cultivation similar to Nursery Specialty which requires one parking space per 500 square feet of indoor floor area. In addition, the cannabis drying, processing and storage activities are considered equal to Ag Processing, which requires one parking space per 1,000 square feet of use area. A modification from the parking standards is requested to reduce the required number of parking spaces onsite to 3 (from 55) with additional undesignated space onsite for other vehicles.

Staff comments: The project proposes 3 designated parking spaces (including an Americans with Disabilities Act [ADA] compliant space), and additional room for parking is available adjacent to the greenhouses. Up to 12 employees could be on-site at any time during the day during peak harvest times; therefore, the 3 proposed designated spaces, along with the additional parking areas, would be sufficient to meet the parking demands of the project. The required 55 parking spaces would not be appropriate for the project based on the following evidence:

- *The proposed use of the site would not be open to the public and therefore does not need additional parking spaces for customers or other visitors, which normal Nursery Specialty uses do.*
- *The project proposes to develop 3 parking spaces and provide additional undesignated space onsite for parking. This is sufficient to accommodate full-time employees and seasonal employees during harvest time of the cultivation areas.*
- *The requested reduction of required parking spaces onsite would not result in any traffic safety issues or offsite parking.*

PLANNING AREA STANDARDS:

22.94.025 – Paso Robles Groundwater Basin

F. Offset requirements for discretionary permits. New development requiring discretionary land use permits shall offset the resulting net new water demand as follows:

1. Land use permit applications shall include existing water use data, if it is available, that is sufficient to calculate net existing water demand on the proposed project site. The land use application shall include descriptions of all proposed uses on the site in a level of detail adequate to calculate the proposed project's net new water demand. In any case, determinations of net new water demand, net existing water demand and net increase shall be the responsibility of the Planning Director or designee.
2. The net new water demand shall be offset at a ratio of 2:1 through participation in water conservation programs listed in subsection c below. Any net existing water demand shall be taken into account in the calculation of required offsets of net new water demand.
3. Programs to offset water used for non-agricultural purposes may include but are not limited to the following, but in any case, shall conserve only water used or potentially used for non-agricultural purposes:
 - a. Retiring the development potential of lots in the Paso Robles Groundwater basin through an agreement with the County or qualified land trust.
 - b. Retrofitting plumbing fixtures in the Paso Robles Groundwater Basin.
 - c. Purchasing supplemental water for a water supplier that uses groundwater from the main Paso Robles Groundwater Basin.
 - d. Participating in an approved water conservation program in the Paso Robles Groundwater Basin that results in water savings.
 - e. Reducing water demand in the Paso Robles Groundwater Basin through other means approved by the Planning Director.
 - f. Water from the Nacimiento or State Water Projects shall not be used for development in the rural area.
4. Any required offset of net new water demand shall be completed at the time of final inspection or issuance of a certificate of occupancy unless an alternative completion time (which may be more or less time) is approved by the review authority. In any case, the review authority must find the offsets to be verifiable, permanent and enforceable.

5. Agricultural Processing uses (as defined in the Land Use Ordinance), including outdoor and other appurtenant water use, shall be exempt from the preceding offset requirements for discretionary permits. Instead, agricultural processing uses shall be subject to project-specific land use and/or water conservation mitigation measures required by the review authority based on environmental review.

Staff comments: Based on the location and depth of the on-site well that would support the operation, the well draws water from the Paso Robles Formation aquifer within the PRGWB, which is categorized as being in a state of critical overdraft and is located within the area that is categorized as being in severe decline and is required to offset water usage at a 2:1 ratio per LUO requirements. The project has been conditioned to require a Water Conservation Plan prior to issuance of building permits that would implement strategies that would improve the efficiency of water usage during project operation and result in a net-positive water supply impact. The efficiency of water usage would need to be maintained throughout the project's lifetime.

LAND USE ORDINANCE STANDARDS:

The project's compliance with relevant LUO standards specific to cannabis land uses is summarized in Attachment 4 – Land Use Ordinance Consistency Analysis Table. The project, as conditioned, would comply with all applicable LUO standards with the exception of parking standards, for which a request for modification is included.

CODE ENFORCEMENT HISTORY:

The project site currently has an active Code Enforcement action related to an unpermitted 240 square-foot structure with electrical and plumbing (CODE2019-00248). The code violation is not considered to be "cannabis-related" and does not impact the processing of this permit. The project has been conditioned so that the violation is resolved prior to establishment of any cannabis uses.

ENVIRONMENTAL DETERMINATION:

A Mitigated Negative Declaration has been prepared for the project, pursuant to CEQA Guidelines Section 15070(b). Mitigation measures have been identified to address potentially significant impacts related to aesthetics, air quality, biological resources, energy, greenhouse gases, and hydrology and water quality and are included as conditions of approval. These conclusions are supported by the following technical reports and supporting information provided with the project permit application package:

Althouse and Meade, Inc. 2019. Biological Resource Assessment for CC Ranch, 2200 Neal Spring Road, San Luis Obispo County.

Central Coast Archaeological Research Consultants. September 2019. Cultural Resources Survey of the Neal Springs Cannabis Cultivation, San Luis Obispo County, California.

The MND was circulated for public review and comment for 30 days in accordance with Section 15073 of the State CEQA Guidelines. During the 30-day public review period the Planning and Building Department received comment from the California Highway Patrol on the revised MND dated July 17, 2020. The document referred review to the local (Templeton) Highway Patrol station (Attachment 8). Additional comments from the referred agency have not been received.

With incorporation of recommended mitigation measures for aesthetics air quality, biological resources, energy and greenhouse emissions, and hydrology and water quality, project-specific and cumulative impacts are considered less than significant.

COMMUNITY ADVISORY GROUP COMMENTS:

The project site is not located within the boundaries of a Community Advisory Group.

AGENCY REVIEW:

Department of Public Works

Per the response letter dated September 14, 2020, from David E. Grim, the County Public Works Department recommended conditions of approval to address project related drainage and stormwater impacts. The Department also recommended conditions related to site access and excessive driveway connections. These conditions have been incorporated into the project conditions of approval (Attachment 2, Exhibit B).

Agricultural Commissioner's Office

Per the referral response letter dated July 1, 2020, from Lynda Auchinachie, the County Agricultural Commissioner's office noted that the project would be located near vineyards that use pesticides that Cannabis cultivation are tested for by California law to ensure there are no pesticide residues above the established tolerance levels. Conditions have been recommended related to surrounding use of pesticides that have been incorporated into the project conditions of approval (Attachment 2, Exhibit B).

Air Pollution Control District (APCD)

Per the referral response letter dated April 15, 2019, from Jackie Mansoor, the APCD notes that APCD Rule 501 prohibits developmental vegetative burning in San Luis Obispo County and recommends that if the site leads to an increase of 11 or more vehicle trips per day, PM₁₀ mitigation measures should be implemented. The letter also discusses nuisance odors which have been discussed in the MND.

Assessor's Office

Per email correspondence from April 8, 2019 with Jeff Stranlund, the Assessor's Office notes that any copy of any leases (ground, greenhouse, etc.) or production sharing agreements related to "cannabis Activities" should be shared with the Assessor's office.

Building Department

Per email correspondence from April 11, 2019 with Michael Stoker, the Building Division has reviewed the project and identified standard code requirements that would be applicable..

Environmental Health	Per the email correspondence from April 16, 2019 with Kealoha Ghiglia, the project applicant shall complete a Hazardous Materials Declaration Flowchart. The project has been conditioned to require submittal of the Hazardous Materials Declaration Flowchart (Attachment 2, Exhibit B).
CAL FIRE	Per letter from Dell Wells dated September 8, 2020, conditions are required and relate to access/turnaround, requirement for a Fire Protection Engineer, water storage, sprinkler systems, and defensible space/hazard reduction.
Northern Chumash Tribal Council (NCTC)	Per the email correspondence from April 8, 2019 with Fred Collins, the NCTC requests to see the records search for the property and any other archaeological report for the property.

LEGAL LOT STATUS:

The one existing parcels (APN 020-301-010) is Lot 105 of Rancho Santa Ysabel and was legally created by map (Book of Maps 1, Page 29) at a time when that was a legal method of creating lots.

Staff report prepared by SWCA Environmental Consultants and reviewed by Eric Hughes.

ATTACHMENTS

Attachment 1 – Exhibit A – Findings
Attachment 2 – Exhibit B – Conditions of Approval
Attachment 3 – Graphics
Attachment 4 – Land Use Ordinance Consistency Table
Attachment 5 – Operations Plan
Attachment 6 – Referral Responses
Attachment 7 – Mitigated Negative Declaration
Attachment 8 – Comments received on Mitigated Negative Declaration
Attachment 9 – Staff Presentation

EXHIBIT A – FINDINGS
MINOR USE PERMIT DRC2019-00042 / Copper Creek Farms, LLC

ENVIRONMENTAL DETERMINATION

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been prepared and released for public comment on July 10, 2020 for this project. Mitigation measures have been identified to address potential impacts related to aesthetics, air quality, biological resources, energy, greenhouse gases, and hydrology/water quality and have been included as conditions of approval.

MINOR USE PERMIT

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because cannabis indoor and outdoor cultivation ancillary cannabis nursery, and ancillary cannabis processing are allowed uses and is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project and uses satisfy all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety, or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the proposed cannabis cultivation does not generate activity that presents a potential threat to the surrounding property or buildings. Water use of the project would be minimized and offset at a 2:1 ratio and actual usage shall be monitored, energy usage shall be monitored, State water quality regulations shall be met, security fencing shall be installed, pesticide use shall comply with County Department of Agriculture / Weights and Measures regulations, solid waste shall be properly disposed of, and nuisance odors shall be controlled and monitored. This project is subject to Land Use Ordinance and Building Code requirements designed to address health, safety, and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the proposed uses and development are similar in size and activities as surrounding agricultural operations, the proposed uses would not be visible from surrounding public roadways, and all potential nuisance odors would be adequately controlled to not be detectable from offsite.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project. The project site is accessed from an existing graded dirt driveway that connects to the property from an access easement across the east side of 2210 Neal Spring Road. As described in the Traffic Study prepared for the project, the project is expected to generate a maximum of 8 daily trips including up to 3.3 vehicle trips during the PM peak hour (4:00 PM – 6:00 PM). Projected trip generation from the project would be generally consistent with surrounding land uses and would not have a significant effect on existing roadway operations.

COMMERCIAL CANNABIS ACTIVITIES

Cannabis Cultivation

- G. The cannabis cultivation, as proposed, shall comply with all requirements of the State and County for the cultivation of cannabis, including dual licensure and participation in an authorized track-and-trace program.
- H. The cannabis cultivation will not be located within 1,000 feet of any pre-school, elementary school, junior high school, high school, library, park, playground, recreation or youth center, licensed drug or alcohol recovery facility, or licensed sober living facility.
- I. The cannabis cultivation includes adequate measures that minimize use of water for cannabis cultivation at the site. Additionally, as conditioned, the project will offset the water use related to the project at a 2:1 ratio.
- J. The cannabis cultivation includes adequate quality control measures to ensure cannabis cultivated at the site meets State regulatory standards.
- K. The cannabis cultivation includes measures that address enforcement priorities for cannabis activities including restricting access to minors and ensuring that cannabis and cannabis products are not supplied to unlicensed or unpermitted persons within the state and not distributed out of state.

ADJUSTMENT

- L. A modification of required parking standards detailed in LUO Section 22.18 is justified because the characteristics of the use do not necessitate provision of 55 parking spaces onsite; the provision of 3 parking spaces with additional undesignated parking areas for other vehicles onsite will be adequate to accommodate on the site all parking needs generated by the use including the 2 proposed full-time and 10 seasonal employees. No traffic problems will result from the proposed modification of parking standards.

ADDITIONAL FINDINGS

- M. It is the declared policy of this County under Chapter 5.16 of the San Luis Obispo County Code and the County Agriculture Element to protect and encourage agricultural operations and conserve agricultural resources. Pursuant to Section 22.40.020 of the San Luis Obispo County Code, cannabis is not an agricultural commodity with respect to local “right to farm” ordinances nor is it considered “crop production and grazing” as a land use type. In this regard, the County has significant interest in ensuring the continued viability of agricultural operations adjacent to and near cannabis cultivation operations. The County acknowledges that the establishment of the proposed project has the potential to cause traditional agricultural operations to cease or curtail their crop production activities near the proposed site because of state regulations which have imposed pesticide residue thresholds for cannabis which are significantly lower than the residue thresholds allowed for traditional agricultural crops. More specifically, the County has received substantial evidence indicating pesticide applicators would refuse to serve an agricultural operation if a cannabis site is permitted in close proximity to the agricultural operation because fear of potential crippling liability should a nearby cannabis operation be able to allege their cannabis has been made unmarketable by an offsite pesticide application, even if the levels of pesticide residue on the cannabis would otherwise be well within the amounts allowed for traditional agricultural food crops, like citrus, avocado, vineyards, vegetables and strawberries. The County has received reports in other jurisdictions, such as the

County of Santa Barbara, of agricultural operations curtailing activities because of nearby cannabis operations, as well as lawsuits being filed by cannabis operations against nearby traditional agricultural operations and pesticide applicators related to cannabis allegedly made unmarketable by pesticide applications in nearby traditional agricultural fields. In accordance with the rights afforded to the County by Article XI, section 7 of the California Constitution, and in order to adequately protect agricultural operations and conserve agricultural resources within the County, the imposition and enforceability of the condition of approval requiring the applicant to release, waive, discharge, hold harmless and covenant not to sue for any claim, loss or damage to cannabis or cannabis products related to an offsite pesticide application, as set forth within the condition of approval, is a condition to the issuance of the land use permit and making the findings required to approve this land use permit under County Code, specifically, the findings required by Sections 22.62.050.C.1 and 22.62.060.C.4c and d. If any clause or provision of this condition of approval is asserted by Releasing Party to be illegal, invalid or unenforceable, or is determined by a court of competent jurisdiction to be illegal, invalid, or unenforceable under present or future laws and the applicant does not provide or agree to adequate alternatives, this land use permit may be deemed void ab initio and there would be no vested rights to commence or continue cannabis activities on the site.

**EXHIBIT B – CONDITIONS OF APPROVAL
DRC2019-00042 / Copper Creek Farms, LLC**

Approved Development

1. This approval authorizes use of the following cannabis activities:
 - a. 3 acres (130,680 square feet) of outdoor cannabis cultivation canopy and 3.75 acres of cultivation area.
 - b. 22,000 square feet of mixed light (indoor) cannabis cultivation canopy.
 - c. 5,000 square feet of indoor ancillary nursery canopy.
 - d. Construction of 21,000 square feet of greenhouses for mixed-light (indoor) cultivation.
 - e. Construction of 5,000 square feet of greenhouses for ancillary nursery.
 - f. Construction of a 3,000 square feet of pre-manufactured metal building for ancillary processing activities.
 - g. Use of 640 square feet of temporary shipping containers for ancillary processing activities during construction of the pre-manufactured metal building.
 - h. A maximum of 33 daily trips including up to 10.7 vehicle trips during the PM peak hour (4:00 PM – 6:00 PM).
 - i. A maximum of 2 full time and 10 seasonal part-time employees.
 - j. Maximum annual water demand for all uses on the project site of 5.28 AFY.
 - k. Phasing. The project shall be subject to the following phasing plan:
2. This Minor Use Permit authorizes the modification of the parking requirements set forth in Section 22.18.050.C.1 of the Land Use Ordinance to reduce the required number of spaces from 55 to 3.
3. The ancillary processing of cannabis, including drying, curing, grading, trimming, storing, packaging and labeling, is limited to cannabis grown on site only, and it shall be done consistent with applicable State regulations and license(s). Cannabis manufacturing or the processing of manufactured cannabis products is not authorized with this Use Permit.
4. The ancillary cannabis nursery area shall not include flowering plants except as allowed under a nursery license by the state of California Department of Agriculture. All nursery stock and any seed production shall be utilized to support onsite operations and shall not be sold or transported offsite for any purpose.

Conditions required to be completed prior to commencing permitted activities

5. **Prior to commencing permitted activities**, the applicant shall obtain a business license through the County of San Luis Obispo Tax Collector's Office. Business license renewals shall be obtained by the applicant annually as required by Title 6 of the County Code.
6. **Prior to commencing permitted activities**, the applicant shall complete all State licensing requirements for cultivation at the approved location. A copy of all pertinent State licenses shall be submitted to the County of San Luis Obispo Planning and Building Department prior to commencing permitted activities.
7. **Prior to commencing permitted activities**, the applicant shall submit an encroachment permit application to the Public Works Department to secure an encroachment permit and

post a cash damage bond to install improvements within the public right-of-way in accordance with County Public Improvement Standards. The plan is to include, as applicable:

- a. Reconstruct the existing Neal Springs Road project site access driveway approach to current B-1a and A-5 standards.
 - b. Except for the primary and secondary access driveways, all other existing property connections to Neal Springs Road shall be removed, scarified, revegetated, and fenced (or otherwise blocked) to prohibit access. The adjacent shoulder shall be restored to County road standards.
8. **Prior to commencing permitted activities**, all work in the public right-of-way must be constructed or reconstructed to the satisfaction of the County Public Works Inspector and in accordance with County Public Improvement Standards; the project conditions of approval, including any related land use permit conditions; and the approved improvement plans.
9. **Prior to commencing permitted activities**, the applicant shall provide evidence to the Department of Planning and Building that onsite circulation and pavement structural sections have been designed and shall be constructed in conformance with Cal Fire standards and specifications back to the nearest public maintained roadway.
10. **Prior to commencing permitted activities**, the applicant shall obtain a business license through the County of San Luis Obispo Tax Collector's Office. Business license renewals shall be obtained by the applicant annually as required by Title 6 of the County Code.
11. **Prior to commencing permitted activities**, the applicant shall complete all State licensing requirements for cultivation at the approved location. A copy of all pertinent State licenses shall be submitted to the County of San Luis Obispo Planning and Building Department prior to commencing permitted activities.
12. **Prior to commencing permitted activities**, the applicant shall demonstrate to the Planning and Building Department how cannabis activities will be physically and adequately separated from vacant areas or other non-cannabis uses onsite. The applicant shall obtain any necessary building permits to create the separation between uses.
13. **Prior to commencing permitted activities**, the applicant shall complete and submit the Hazardous Materials Declaration Flowchart to the Environmental Health Services office.
14. **Prior to commencing permitted activities**, the applicant shall have a water meter installed on any new or existing water source proposed for cannabis activities. Installation of the meter must be performed to the satisfaction of the County Planning and Building Inspector.
15. Within 30 days of Land Use Permit approval, because the project is located adjacent to the City of Templeton, the applicant shall submit evidence to the County that all impact fees applicable to this project have been paid, or that none are required.

16. **Prior to commencing permitted activities**, all unpermitted structures or activities occurring at the site must be permitted, removed, or resolved, and all open Code Enforcement actions on the property must be closed.

Conditions required to be completed prior to issuance of a County Business License.

17. **Prior to issuance of a County Business License**, the applicant shall enter the County of San Luis Obispo Cannabis Monitoring Program. Any associated fees shall be paid to the County of San Luis Obispo Planning and Building Department.
18. **Prior to issuance of a County Business License**, the applicant shall submit evidence of compliance with all requirements of the Central Coast Regional Water Quality Control Board (CCRWQCB).
19. **Prior to issuance of a County Business License**, the applicant shall submit evidence that coverage has been obtained under the Cannabis Cultivation General Order from the State Water Resources Control Board.
20. **Prior to issuance of a County Business License**, the applicant shall submit evidence that solid waste and recycling collection will be consistent with Sections 22.10.150.B and C of the County Land Use Ordinance.
21. **Prior to issuance of a County Business License**, the applicant shall submit evidence that the project security plan has been reviewed and approved by the County Sheriff as required by Section 22.40.040.D of the County Land Use Ordinance.
22. **Prior to issuance of a County Business License**, and in accordance with Title 13.01 of the County Code, the applicant shall pay to the Department of Public Works the Templeton Area B Road Improvement Fee based on the latest adopted area fee schedule and 3.3 peak hour trips as estimated in the project traffic study. The estimated fee is \$27,924.60 (\$8,462 x 3.3). *The fee schedule is subject to change by resolution of the Board of Supervisors. The applicant shall be responsible for paying the fee in effect at the time of payment.*
23. **Prior to issuance of a County Business License**, the applicant shall provide evidence to the Department of Planning and Building that onsite circulation and pavement structural sections have been designed and shall be constructed in conformance with Cal Fire standards and specifications back to the nearest public maintained roadway.
24. **Prior to issuance of a County Business License**, the applicant shall obtain an Operator Identification Number (OIN) if required by the Department of Agriculture, prior to any pesticides being used in conjunction with the commercial cultivation of cannabis; "pesticide" is a broad term, which includes insecticides, herbicides, fungicides, rodenticides, etc., as well as organically-approved pesticides.
25. **Prior to issuance of a County Business License**, the applicant shall install proposed fencing as shown on the approved plans. Consistent with the approved plans and the applicant's project description, the fence proposed shall be six-foot-six-inches in height and constructed of lead piping and chain link materials. Any requirements related to fencing from the Sheriff's Office shall be adhered to, including the installation of security

slats. In the event of a conflict between the proposed fencing and the requirements from the Sheriff's Office, the requirements from the Sheriff's Office shall prevail.

26. **Prior to issuance of a County Business License**, the applicant shall be responsible for the timely payment of all fees associated with this approval. Failure to pay fees in a timely manner may result in revocation of the permit.
27. **Prior to issuance of a County Business License** and within 30 days of Land Use Permit approval, the applicant shall submit evidence to the Planning and Building Department that all necessary copies of any leases (ground, greenhouse or otherwise) or production sharing agreements related to "Cannabis Activities" on the subject property have been provided to the Assessor's Office.

Conditions required to be completed at the time of application for construction permits

Site Development

28. **At the time of application for construction permits**, plans submitted shall show all development consistent with the approved site plan, floor plan, and architectural elevations.
29. **At the time of application for construction permits**, all project conditions shall be clearly printed on the plans and construction documents shall be consistent with the currently-adopted California Codes.
30. **At the time of application for construction permits**, all plans and engineering shall be prepared by a California Licensed Architect of Record or Engineer for all design portions of the project that do not meet "conventional construction" as defined by the current building code.
31. **At the time of application for construction permits**, the submitted building plan set shall demonstrate consistency with California State Title 24 energy laws.
32. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark in color.

Fire Safety

33. **At the time of application for construction permits**, the applicant shall obtain a Fire Safety Plan from Cal Fire. All plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code and those outlined in the Fire Safety Plan.

Drainage

34. **At the time of application for construction permits**, the applicant shall submit complete drainage plans for review and approval as determined by the Department of Public Works and in accordance with Section 22.52.110 (Drainage) or 23.05.040 (Drainage) of the County Land Use Ordinance.

35. **At the time of application for construction permits**, the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with Section 22.52.120 of the County Land Use Ordinance.
36. **At the time of application for construction permits**, the applicant shall demonstrate that the project construction plans are in conformance with their Stormwater Control Plan.

Stormwater

37. **At the time of application for construction permits**, if the project disturbs more than 1.0 acre or is part of a common plan of development, the applicant must enroll for coverage under California's Construction General Permit. Sites that disturb less than 1.0 acre must implement all required elements within the site's erosion and sediment control plan as required by San Luis Obispo County Codes.

Services

38. **At the time of application for construction permits**, the applicant shall submit evidence to Building and Safety staff that there is adequate water to serve the proposal, on the site.

Conditions to be completed prior to issuance of a construction permit

Fees

39. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.
40. **Prior to issuance of a construction permit**, the applicant shall pay the housing impact fee as required by County Code Section 22.12.080.F.1, or may defer fee payment pursuant to County Code Section 22.12.080.J.4. As an alternative the applicant may provide housing units or a land donation, pursuant to County Code Section 22.12.080.F.3.

Aesthetics

41. **AES-1 Prior to issuance of construction permits**, the applicant shall submit a light pollution prevention plan (LPPP) to the County Department of Planning and Building for review and approval that incorporates the following measures to reduce impacts related to night lighting:
 - a. Prevent all interior lighting from being detected outside the facilities between the period of 1 hour before dusk and 1 hour after dawn;
 - b. All facilities employing artificial lighting techniques shall include shielding and/or blackout tarps that are engaged between the period of 1 hour before dusk and 1 hour after dawn and prevent any and all light from escaping;
 - c. All exterior lighting shall conform to LUO Section 22.10.060, be located and designed to be motion activated, and be directed downward and to the interior of the site to avoid the light source from being visible off-site. All exterior lighting shall be "warm-white" or filtered (correlated color temperature of < 3,000 Kelvin; scotopic/photopic ratio of < 1.2) to minimize blue emissions; and
 - d. Any exterior lighting used for security purposes shall be motion activated, be located and designed to be motion activated, and be directed downward and to the interior of the site to avoid the light source from being visible off-site, and shall be of the lowest-lumen necessary to address security issues.

Biological Resources

42. **BIO-1 Prior to issuance of construction permits or initiation of any ground disturbance, whichever occurs first**, the applicant shall provide evidence to the County that they have retained a County approved qualified biologist. The scope of work shall include preconstruction surveys, training, monitoring, and reporting, as detailed in the mitigation measures listed below.
43. **BIO-4 Prior to issuance of grading and/or construction permits**, all SJKF protection measures required before construction (prior to any project activities) and during construction shall be included as a note on all project plans.
44. **BIO-5 Prior to issuance of grading and/or construction permits**, or initiation of any ground disturbance, for each project phase, the applicant shall submit evidence to the County Department of Planning and Building and CDFW that satisfactorily demonstrates one or a combination of the following three San Joaquin kit fox (SJKF) mitigation measure options for loss of SJKF habitat has been implemented to offset the project's calculated compensatory impacts at a 3:1 ratio:
 - a. Habitat Set Aside: Provide for the protection in perpetuity, through acquisition of fee or a conservation easement, 17.4 acres of suitable habitat in the kit fox corridor area, as determined by CDFW, (e.g., within the San Luis Obispo kit fox habitat area), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands conserved shall be subject to the review and approval of the CDFW and the County. This mitigation alternative (a.) requires that all aspects of this program be in place before County permit issuance or initiation of any ground-disturbing activities.
 - b. In-Lieu Fee: Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity. Mitigation alternative (b.) can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between CDFW and TNC to preserve SJKF habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the CEQA. The fee for this project would total \$43,500. This fee is calculated based on the current cost-per-unit of \$2,500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; the actual cost may increase depending on the timing of payment. This fee must be paid after CDFW provides written notification about mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.
 - c. Conservation Bank Credit: Purchase 17.4 credits required by CDFW in a CDFW-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity. Mitigation alternative (c.) can be completed by purchasing credits from the Palo Prieto Conservation Bank. The Palo Prieto Conservation Bank was established to preserve SJKF habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the CEQA. This fee is based on the current cost-per-credit of \$2,500 per acre of mitigation. The fee is established by the conservation bank owner and may change at any time. The actual cost may increase depending on the timing of payment.

Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

45. **BIO-7 Prior to issuance of grading and/or construction permits for each project phase**, the applicant shall clearly delineate the following as a note on the project plans: "Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox." Speed limit signs shall be installed on the project site within 30 days prior to initiation of site disturbance and/or construction of each project phase.

Energy Resources

46. **ENG-1 Prior to issuance of building permits**, the applicant shall provide to the County Department of Planning and Building for review and approval an Energy Conservation Plan with measures that when implemented would reduce or offset the project's energy demand to within 20% of the energy use of a generic commercial building of the same size. The Energy Conservation Plan shall include the following:
- a. A detailed breakdown of energy demand prepared by a certified energy analyst. The energy breakdown shall include an estimate of total energy demand from all sources associated with all proposed cannabis cultivation activities, including, but not limited to, lighting, odor management, and climate control equipment. Such quantification shall be expressed in total kWh per year and non-electrical sources shall be converted to kWh per year.
 - b. A program for providing a reduction or offset of all energy demand that is 20% or more above a generic commercial building of the same size. Such a program (or programs) may include, but is not limited to, the following:
 - i. Evidence that the project will permanently source project energy demands from renewable energy sources (e.g., solar, wind, hydro). This can include purchasing the project's energy demand from a clean energy source by enrolling PG&E's Solar Choice program or Regional Renewable Choice program or other comparable public or private program.
 - ii. Evidence documenting the permanent retrofit or elimination of equipment, buildings, facilities, processes, or other energy saving strategies to provide a net reduction in electricity demand and/or GHG emissions. Such measures may include the following:
 1. Participating in an annual energy audit.
 2. Upgrading and maintaining efficient heating/cooling/dehumidification systems.
 3. Implement energy efficient lighting, specifically LED over high-intensity discharge (HID) or high-pressure sodium (HPS) lighting.
 4. Implementing automated lighting systems.
 5. Utilizing natural light when possible.
 6. Utilizing an efficient circulation system.
 7. Ensuring that energy use is below or in-line with industry benchmarks.
 8. Implementing phase-out plans for the replacement of inefficient equipment.

9. Adopting all or some elements of CalGreen Tier 1 and 2 measures to increase energy efficiency in greenhouses.
 - iii. Construction of a qualified renewable energy source such as wind, solar photovoltaics, biomass, etc., as part of the project. [Note: Inclusion of a renewable energy source shall also be included in the project description and may be subject to environmental review.]
 - iv. Any combination of the above or other qualifying strategies or programs that would achieve a reduction or offset of the project energy demand that is 20% or more above a generic commercial building of the same size.
47. **ENG-2 Prior to issuance of building permits**, the applicant shall provide to the County Department of Planning and Building for review and approval a program for providing a reduction or offset of GHG emissions below 1,152 MTCO₂e. Such a program (or programs) may include, but is not limited to, the following:
- a. Purchase of GHG offset credits from any of the following recognized and reputable voluntary carbon registries:
 - i. American Carbon Registry;
 - ii. Climate Action Reserve; or
 - iii. Verified Carbon Standard.

Offsets purchased from any other source are subject to verification and approval by the County Department of Planning and Building.
 - b. Installation of battery storage to offset nighttime energy use. Batteries may only be charged during daylight hours with a renewable energy source and shall be used as the sole energy supply during non-daylight hours.

Hydrology and Water Quality

48. **WQ-1 Prior to issuance of building permits (or prior to establishment of the use)**, all applicants for cannabis related activities within the Paso Robles Groundwater Basin shall provide to the County of San Luis Obispo Department of Planning and Building for review and approval a Water Conservation Plan with a package of measures that, when implemented, will achieve the water demand offset required by Land Use Ordinance Sections 22.40.050 D. 5, 22.40.060 D.5, and 22.94.025 F and Building Ordinance Section 19.07.042 (4). The Water Conservation Plan shall include the following:
- a. The quantification of water demand expressed in total acre-feet per year, consistent with the Water Management Plan required by Land Use Ordinance Sections 22.40.050 C. 1 and 22.40.060 C.1.
 - b. A program for achieving a water demand offset of the quantified water demand as required by Land Use Ordinance Sections 22.40.050.D.5, 22.40.060 D.5, and 22.94.025 F and Building Ordinance Section 19.07.042 (4). Such a program may include, but is not limited to, the following:
 - i. The permanent installation of water facilities and/or infrastructure to improve the efficient use of water on existing irrigated agricultural lands within the basin. Such improvements shall be accompanied by an audit of existing agricultural water demand prepared by an Agricultural Engineer, or other licensed engineer or qualified professional as approved by the

Director of Planning and Building. Water efficiency improvements may include, but are not limited to, the following:

1. Drip irrigation.
 2. Smart controllers. Irrigation controllers that are climatologically controlled without human intervention, that adjust irrigation based on the amount of moisture lost from soil and plant material since the previous irrigation by utilizing climate data (evapo-transpiration rates) broadcast to the controller from the California Irrigation Management Information System and other sources, and that have been tested and certified 100% for irrigation adequacy and schedule shall be installed and maintained on all irrigated and landscaped areas.
 3. Installation of float valves on water tanks to prevent tanks from overflowing.
 4. Converting from using overhead sprinklers to wind machines for frost protection. [Note: The installation of wind machines shall be included in the project description for cannabis activities and subject to environmental review.]
 5. Installation of rainwater catchment systems to reduce demand on groundwater. [Note: The installation of rainwater catchment facilities shall be included in the project description for cannabis activities and subject to environmental review.]
- ii. Participation in an approved water conservation program within the Paso Robles Groundwater Basin that is verifiable, results in a permanent reduction of water demand equal to, or exceeding, the required water demand offset, and has been subject to environmental review.
 - iii. Any combination of the above or other qualifying strategies or programs that would achieve the required water demand offset.
- c. The water demand offset documented by the Water Conservation Plan shall be verifiable and permanent and shall not result in adverse environmental effects beyond those assessed by the California Environmental Quality Act compliance document for the proposed cannabis project.

Conditions to be completed during project construction

49. In the event that buried or otherwise unknown cultural resources are discovered during construction activities in the area of the find, work shall be suspended, and the County of San Luis Obispo should be contacted immediately. Prior to resuming construction activities, appropriate mitigation measures shall be developed by a qualified archeologist or historian if necessary, at the developer's expense. In the event that human remains are discovered, the County Coroner shall be contacted immediately. If the Coroner determines the remains are Native American, the Native American Heritage Commission (NAHC) would be contacted and the remains would be left in situ and protected until a decision is made on their final disposition.

Air Quality

50. **AQ-1 Prior to issuance of grading permits**, the following measures shall be implemented during all site disturbance activities and shown on all applicable plans:
- Reduce the amount of the disturbed area where possible;
 - Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the SLOAPCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 miles per hour (mph). Reclaimed (non-potable) water should be used whenever possible;
 - All dirt stockpile areas should be sprayed daily or covered with tarps or other dust barriers, as needed;
 - Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil-disturbing activities;
 - Exposed ground areas that are planned to be reworked at dates greater than 1 month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;
 - All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the SLOAPCD;
 - All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used; Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
 - All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least 2 feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code Section 23114;
 - Install wheel washers or other devices to control tracking of mud and dirt onto adjacent roadways where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;
 - Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible. Roads shall be pre-wetted prior to sweeping when feasible; and
 - The applicant shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below the SLOAPCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period, and to prevent transport of dust off-site. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the SLOAPCD Engineering & Compliance Division **prior to the start of any grading, site disturbance, or demolition.**

Biological Resources

51. **BIO-2 Prior to major construction activities** (e.g., site mobilization, clearing, grubbing, preparation for installing new facilities, etc.), an environmental awareness training shall be presented to all project personnel by a qualified biologist prior to the start of any project activities. The training shall include color photographs and a description of the ecology of all special-status species known or determined to have potential to occur, as well as other sensitive resources requiring avoidance near project impact areas. The training shall also include a description of protection measures required by the project's discretionary permits, an overview of the federal Endangered Species Act, the California Endangered

Species Act, and implications of noncompliance with these regulations, as well as an overview of the required avoidance and minimization measures. A sign-in sheet with the name and signature of the qualified biologist who presented the training and the names and signatures of the trainees will be kept and provided to the County of San Luis Obispo (County). If new project personnel join the project after the initial training period, they will receive the environmental awareness training from a designated crew member on site before beginning work.

52. **BIO-3 Prior to major construction activities**, a qualified biologist shall complete a pre-construction survey for badgers no less than 14 days and no more than 30 days prior to the start of initial project activities to determine if badgers are present within proposed work areas, in addition to a 200-foot buffer around work areas.
 - a. If a potential den is discovered, the den will be monitored for 3 consecutive nights with an infra-red, motion-triggered camera, prior to any project activities, to determine if the den is being used by an American badger.
 - b. If an active badger den is found, an exclusion zone shall be established around the den. A minimum of a 50-foot exclusion zone shall be established during the non-reproductive season (July 1 to January 31) and a minimum 100-foot exclusion zone during the reproductive season (February 1 to June 30). Each exclusion zone shall encircle the den and have a radius of 50 feet (non-reproductive season) or 100 feet (reproductive season), measured outward from the burrow entrance. All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the den is no longer in use. If avoidance is not possible during project construction or continued operation, the County shall be contacted. The County will coordinate with appropriate resource agencies for guidance.
 - c. If more than 30 days pass between construction phases (e.g., vegetation trimming and the start of grading), during which no or minimal work activity occurs, the badger survey shall be repeated.

53. **BIO-6 Prior to construction activities**, in accordance with BIO-1, the qualified biologist shall perform the following monitoring activities for all project phases:
 - a. Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction of each project phase, the qualified biologist shall conduct a pre-activity (i.e., pre-construction) transect survey of the work area and 250-foot buffer around the proposed disturbance areas for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within 250 feet of the work area.
 - b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (e.g., grading, diking, excavation, stock piling of dirt or gravel, etc.) of each project phase that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BIO-8 through BIO-12. Site disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (e.g., Mitigation Measure BIO-4diii). When weekly monitoring is required, the qualified biologist

shall submit weekly monitoring reports to the County within 14 days of project site disturbance initiation of each project phase.

- c. Prior to and during project activities of all project phases, if any observations are made of SJKF, or any known or potential SJKF dens are discovered within the project limits, the qualified biologist shall reassess the probability of incidental take (e.g., harm or death) to kit fox. At the time a den is discovered, the qualified biologist shall contact the USFWS and CDFW for guidance on possible additional kit fox protection measures to implement and whether or not a federal and/or state incidental take permit is needed. If a potential den is encountered during construction, work shall stop until such time the USFWS and CDFW determine it is appropriate to resume work. If incidental take of kit fox during project activities is possible, before project activities commence, the applicant must consult with the USFWS and CDFW. The results of this consultation may require the applicant to obtain a federal and/or state permit for incidental take during project activities. The applicant shall be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.
 - d. In addition, the qualified biologist shall implement the following measures:
 - i. Within 30 days prior to initiation of site disturbance and/or construction of all project phases, fenced exclusion zones shall be established around all known and potential kit fox dens. Dens will be avoided by the following distances: 50 feet for potential or atypical dens, 100 feet for known dens, and 250 feet for pupping dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey lath or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of distance measured outward from the den or burrow entrances, dependent on the use and activity of the den (i.e., potential, known, active, or natal den), to be determined by the kit fox biologist.
 - ii. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.
 - iii. If kit foxes or known or potential kit fox dens are found on-site, daily monitoring by a qualified biologist shall be required during ground-disturbing activities.
54. **BIO-8 During the site disturbance and/or construction of each project phase**, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.
55. **BIO-9 During the site-disturbance and/or construction of each project phase**, to prevent entrapment of the SJKF, all excavations, steep-walled holes, and trenches in excess of 2 feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected by a qualified biologist for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume or be removed from the trench or hole by

a qualified biologist and allowed to escape unimpeded. The qualified biologist shall have the necessary State and Federal permits authorizing incidental take in order to physically remove an entrapped kit fox.

In addition, during site disturbance and/or construction of each project phase, any pipes, culverts, or similar structures with a diameter of 4 inches or greater stored overnight at the project site shall be thoroughly inspected for trapped SJKF before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved. If necessary, the pipe may be moved only once to remove it from the path of activity, until the kit fox has escaped.

56. **BIO-10 During the site-disturbance and/or construction of each project phase**, all food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of only in closed containers. These containers shall be regularly removed from the site. Food items may attract SJKF onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.
57. **BIO-11 Prior to, during, and after the site-disturbance and/or construction of each project phase**, use of pesticides or herbicides shall be in compliance with all federal, state, and local regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which SJKF depend.
58. **BIO-12 During the site-disturbance and/or construction phase**, any contractor or employee that inadvertently kills or injures an SJKF or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the USFWS and CDFW by telephone. In addition, formal notification shall be provided in writing within 3 working days of the finding of any such animal(s). Notification shall include the date, time, location, and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the USFWS and CDFW for care, analysis, or disposition.
59. **BIO-14 During project construction, to the maximum extent possible**, all site preparation, ground-disturbing, and construction activities shall be conducted outside of the migratory bird breeding season (February 1 through September 15). If such activities are required during this period, the qualified biologist shall conduct a nesting bird survey within one week prior to site disturbance and/or vegetation removal/trimming activities. The qualified biologist shall conduct species-specific surveys for Lest Bell's Vireo in accordance with USFWS' "Least Bell's Vireo Survey Guidelines" (USFWS, 2001) and for tri-colored blackbird. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active. If nesting activity is detected, the following measures shall be implemented:
 - a. A 50-foot exclusion zone shall be placed around non-listed, passerine species, and a 250-foot exclusion zone shall be implemented for raptor species. Each exclusion zone shall encircle the nest and have a radius of 50 feet (non-listed passerine species) or 250 feet (raptor species). All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified

biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.

- b. If Least Bell's vireo is located during surveys, a 300-foot no-disturbance buffer shall be established in accordance with USFWS' "Least Bell's Vireo Survey Guidelines" (USFWS, 2001). This buffer shall remain in place until the breeding season has ended or until the qualified biologist has determined that nesting has ceased, the birds have fledged, and are no longer reliant upon parental care for survival. In the event that Least Bell's vireo is detected during surveys, and implementation of the no-disturbance buffer above is not feasible, consultation with CDFW is warranted to acquire a State Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081 subdivision (b), prior to any ground-disturbing activities.
- c. If an active tricolored blackbird nesting colony is found during pre-construction surveys, a 300-foot no-disturbance buffer shall be established in accordance with CDFW's "Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agriculture Fields in 2015" (2015). This buffer shall remain in place until the breeding season has ended or until the qualified biologist has determined that nesting has ceased, the birds have fledged, and are no longer reliant upon the colony for survival.
- d. The results of the survey shall be provided to the County prior to initial project activities. The results shall detail appropriate fencing or flagging of exclusion zones and include recommendations for additional monitoring requirements. A map of the project site and nest locations shall be included with the results. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the recommended exclusion zone depending on site conditions and species (if non-listed).

If two weeks lapse between different phases of project activities (e.g., vegetation trimming and the start of grading), during which no or minimal work activity occurs, the nesting bird survey shall be repeated.

- 60. **BIO-15 Between 2 and 4 weeks prior to initiation of construction activities or site disturbance activities of all project phase and during initial grading activities of all project phases,** a County-approved biologist shall conduct surveys for silvery legless lizards (*Anniella pulchra*). The surveyor shall utilize hand search or cover board methods in areas of disturbance where legless lizards are expected to be found (e.g., under shrubs, other vegetation, or debris). If cover board methods are used, they shall commence at least 30 days prior to the start of construction. Hand search surveys shall be completed immediately prior to and during grading activities. During grading activities, the County-approved biologist shall walk behind the grading equipment to capture silvery legless lizards that are unearthed by the equipment. The surveyor shall capture and relocate any legless lizards or other reptiles observed during the survey effort. The captured individuals shall be relocated from the construction area and placed in suitable habitat on the site but outside of the work area. Following the survey and monitoring efforts, the County-approved biologist shall submit to the County a project completion report that documents the number of silvery legless lizards and other reptiles captured and relocated, and the number of legless lizards or other reptiles taken during grading activities. Observations of these species or other special-status species shall be documented on CNDDDB forms and submitted to CDFW upon project completion.
- 61. **BIO-16 (a) A United States Fish and Wildlife Service-approved biologist will survey the project area no more than 48 hours before the onset of project site disturbance**

activities of all project phases. If any life stage of the California red-legged frog is found and these individuals are likely to be killed or injured by work activities, the approved biologist will be allowed sufficient time to move them from the site before work activities begin. The United States Fish and Wildlife Service-approved biologist will relocate the California red-legged frogs the shortest distance possible to a location that contains suitable habitat and will not be affected by the activities associated with the project. The relocation site should be in the same drainage to the extent practicable. The project biologist shall coordinate with the California Department of Fish and Wildlife on the relocation site prior to the capture of any California red-legged frogs.

(b) During project construction, the applicant shall make every effort to schedule work activities during the dry season when impacts to CRLF and FYLF would be minimal. This would include the following:

- a. Avoid work during the rainy season (October 15 through April 15). If work must occur in the rainy season, no work shall occur during or immediately after rain events of 0.25 inches or greater.
- b. A follow-up survey shall be conducted prior to the start of work following any rain event of 0.25 inches or greater.
- c. Avoid nighttime work. If nighttime work is deemed necessary, a qualified biologist shall be on site until it is determined that no potential impacts to CRLF or FYLF would occur based on conditions and the scope of work.

If operational activities such as planting or harvesting are necessary during the rainy season, an Operational Management Plan for the avoidance of amphibians shall be prepared by a qualified biologist. The project's Management Plan will be subject to the review and approval of the United States Fish & Wildlife Service (USFWS) and San Luis Obispo County Planning & Building Department prior to operational activities during the rainy season.

The Management Plan shall address items including, but not limited to: (a) monitoring that will occur during ground disturbance and related activities (e.g., monitoring duration, time, frequency), (b) procedures to follow if a California Red Legged Frog (CRLF) or other sensitive species are encountered during operational related activities, (c) pre-activity worker training, (d) scheduling of such activities proposed to minimize impacts to sensitive species (i.e., completing activities closest to potential CRLF habitat first), and (e) the filing of a post-activity report "lessons learned" on the effectiveness of the required measures.

62. **BIO-17 During project construction and site disturbance activities of all project phases,** all refueling, maintenance, and staging of equipment and vehicles will occur at least 60 feet from riparian habitat or water bodies and in a location from where a spill would not drain directly toward aquatic habitat (e.g., on a slope that drains away from the water). The monitor will ensure contamination of habitat does not occur during such operations. Prior to the onset of work, the applicant shall submit a plan detailing prompt and effective response to any accidental spills to the County Planning and Building Department for review and approval. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.
63. **BIO-18 During project activities of each project phase,** trash that may attract predators will be properly contained, removed from the work site, and disposed of regularly. Following construction, trash and construction debris will be removed from work areas.

64. **BIO-19 Between 2 to 4 weeks prior to initiation of construction or site disturbance activities of each project phase**, a qualified biologist shall survey the project site and, if present, capture and relocate any western spadefoots to suitable habitat outside of proposed disturbance areas. Observations of these or other special-status species shall be documented on California Natural Diversity Database forms and submitted to the California Department of Fish and Wildlife upon phase completion. The project biologist shall submit a survey report to the County Department of Planning and Building documenting the number of observations of these or other special-status species (even if none are observed) as well as the areas in which individuals were relocated, if applicable.
65. **BIO-20 Project construction activities** such as site preparation, ground disturbance, and construction activities of each project phase including any tree trimming and/or vegetation removal shall be conducted outside of the typical bat maternity roosting and pupping season (from February 1st to August 31st), if feasible. If site disturbance activities of any project phase are to occur within this season, the applicant shall retain a County-qualified biologist to conduct a preconstruction survey within 14 days prior to commencement of proposed site disturbance activities. If any roosting bats are found during preconstruction surveys, no work activities shall occur within 100 feet of active roosts until bats have left the roosts. The County-qualified biologist shall prepare a report after each survey and a copy of the report shall be provided to the County Planning and Building Department within 14 days of completion of each survey. If no bat roosting activities are detected within the proposed work area, site disturbance and noise-producing construction activities may proceed, and no further mitigation is required.
66. **BIO-21 Prior to issuance of construction or grading permits or prior to any site disturbance, whichever occurs first**, a County-qualified biologist shall prepare finalized site plans that shall clearly delineate all native trees within 50 feet of areas where soil disturbance would occur and shall indicate which trees would be impacted by project activities, such as compaction (e.g., regular use of vehicles), grading (includes cutting and filling of material), tilling, placement of impermeable surfaces (e.g., pavement), or year-round irrigation within the critical root zone (measured to be a radius of 1.5 times the dripline of the tree), and which trees are to remain unimpacted.
67. **BIO-23 Prior to issuance of construction or grading permits or prior to any site disturbance, whichever occurs first**, a County-qualified biologist shall prepare finalized site plans that shall clearly delineate all drainages and waterways within 50 feet of areas where project activities would occur, and shall show all activities outside the 50-foot setback.

Conditions to be completed prior to occupancy or final building inspection /establishment of the use

68. **Prior to occupancy or final inspection**, whichever occurs first, the applicant shall obtain final inspection and approval from Cal Fire for all required fire/life safety measures.
69. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

Biological Resources

70. **BIO-13 Prior to final inspection or establishment of the use, whichever occurs first,** all proposed fencing (chain link with security slats) shall be installed to provide for kit fox passage and 8 x 12-inch openings near the ground shall be provided every 100 yards. Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines and shall be inspected during quarterly monitoring by the County.

On-going Conditions for the Life of the Project

71. **Throughout the life of the project,** to minimize project related traffic impacts in accordance with the project description, the permit is restricted as follows:

- a. Maximum 3.75 acres of outdoor cannabis cultivation area;
- b. Maximum 21,000 square-feet indoor cultivation area;
- c. Maximum of 2 full time and 10 seasonal equivalent employees;

72. **Throughout the life of the project** and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage; landscaping; agricultural operations; etc. without a valid Encroachment Permit issued by the Department of Public Works.

This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to County Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed, or pursuant to Land Use Ordinance Section 22.64.090.B, the Director verifies that the use or activity not involving a building or grading permit is occurring on the subject site in compliance with all applicable provisions of the Land Use Ordinance and these conditions of approval. Substantial site work is defined by County Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.

73. **Throughout the life of the project** all conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Sections 22.74.160 and 22.40.110 and 120 of the County Land Use Ordinance. Revocation may require restoration to pre-existing conditions of areas of disturbance for cannabis-related activities authorized by this permit.
74. **Throughout the life of the project** and in accordance with the request for a modification from the parking standards set forth in Section 22.18.050.H, the applicant shall maintain no less than 3 formal parking spaces and sufficient designated parking to support seasonal staff on site for the life of the project.
75. **Throughout the life of the project,** the applicant shall post on site all required land use permit approvals and all required County and State permits and licenses required to

operate. Such posting shall be in a central location, visible to the visitors, at the operating site, and in all vehicles that deliver or transport cannabis.

76. **Throughout the life of the project**, the applicant shall maintain clear and adequate records and documentation demonstrating that all cannabis or cannabis products have been obtained from, and are provided to, other permitted and licensed cannabis operations. The County shall have the right to examine, monitor, and audit such records and documentation, which shall be made available to the County upon request.
77. **Throughout the life of the project**, the applicant shall conduct all cannabis activities in compliance with the approved Operations Plan, as well as all required County permits, State licenses, County ordinance, and State law and regulation. The applicant shall be responsible for the payment of all required fees and taxes.
78. **Throughout the life of the project** the cannabis cultivation shall be sited and/or operated in a manner that prevents cannabis nuisance odors from being detected offsite so as to not invoke any verified nuisance complaints. All structures utilized for indoor cannabis cultivation shall be equipped and/or maintained with sufficient ventilation controls (e.g. carbon scrubbers) to eliminate nuisance odor emissions from being detected offsite. In the event of a verified nuisance complaint, the County may pursue remedial action that may include the reduction or cessation of operations until a revised operations plan is reviewed and approved by the Department of Planning and Building, abatement of the violation pursuant to Land Use Ordinance Section 22.40.130 and permit revocation pursuant to Land Use Ordinance Sections 22.40.110 and 120.
79. **Throughout the life of the project**, pesticides and fertilizers shall be properly labeled, stored, and applied to avoid and prevent contamination through erosion, leakage, or inadvertent damage from rodents, pests, or wildlife.
80. **Throughout the life of the project**, best management water conservation practices shall be maintained to reduce water use below the water analysis projections as described in the applicant's Water Management Plan.
81. **Throughout the life of the project**, solid waste and recycling shall be conducted in accordance with LUO Sections 22.10.150 B. and C.
82. **Throughout the life of the project**, immature plants and clones shall only be used for the cultivation on the project site and shall not be sold or transported off site.
83. **Throughout the life of the project**, no minors or unauthorized personnel shall be permitted inside any restricted access areas, including the cultivation areas, under any circumstance.
84. **Throughout the life of the project**, the applicant or responsible party designated by the applicant shall maintain daily records of all water used for cannabis activities. The County shall have the right to examine, monitor, and audit such records and documentation, which shall be made available to the County upon request.
85. **Throughout the life of the project**, the applicant shall meter electricity used for cannabis activities and provide the Department of Planning and Building with quarterly energy usage monitoring reports based on meter readings.

86. **Throughout the life of the project** cannabis cultivation grading activities shall be consistent with the conservation practices and standards contained in the USDA Natural Resources Conservation Service (NRCS) Field Office Technical Guide (FOTG). Practices shall not adversely affect slope stability or groundwater recharge and shall prevent off-site drainage and erosion and sedimentation impacts. Erosion and sedimentation control activities shall adhere to the standards in Section 22.52.150C of the Land Use Ordinance.
87. **Throughout the life of the project**, the property owner(s) shall grant access to the County of San Luis Obispo, its officers, agents, employees, and any other governmental entities and their respective officers, agents, and employees to enter onto the subject property to conduct site inspections for the purposes of compliance with this Use Permit. Inspections may occur any day of the week, without prior notice, between the hours of 8 a.m. – 6 p.m.
88. The project would utilize an existing onsite well. If at any point in time this well serves 25 or more of the same individuals at least 6 months of the year, including all full time employees, a public water system permit is required to be obtained from the California State Water Resources Control Board (Water Board).
89. **Throughout the life of the project**, the applicant shall submit to the Department of Planning and Building any proposed changes to the approved Site Plans, Operations Plan, Security Plan, or other plan approved through this Use Permit prior to the proposed change. Changes shall be submitted in writing and must be approved by the Department of Planning and Building prior to the implementation of the proposed changes. Any changes to the approved project, including features identified in the Conditions of Approval stated herein, may require additional environmental analysis and/or revisions to the approved Use Permit that requires review and approval by the appropriate Review Authority.
90. **Throughout the life of the project**, the applicant shall submit to the Department of Planning and Building any changes to the applicant name, business name, business owners, State license status, landowner, or changes in ownership requiring approval from the County Tax Collector's Office or County Sheriff's Department prior to the proposed change. Changes shall be submitted in writing and must be approved by the Department of Planning and Building prior to the implementation of the proposed changes.
91. Throughout the life of the project, the applicant, and their representatives, agents, officers, employees, successors, landlords, tenants, insurers, assigns and any other party claiming direct or indirect financial, ownership or commercial interest in the project or the cannabis or cannabis products produced or located on the site ("Releasing Parties"), shall, as a condition of approval of this land use permit, release, waive, discharge, hold harmless and covenant not to sue any property owner, property operator/tenant or pest control business, pest control advisor or qualified applicator, including their owners, agents, officers, employees and authorized representatives ("Released Parties"), for any claim, loss or damage to cannabis or cannabis products located on the project site arising out of the recommendation or application of a registered pesticide on an agricultural commodity located outside the project site by a person or business who holds the required state license or certificate and local Operator Identification Number and, if applicable, Restricted Materials Permit, and who follows required state and local pesticide use reporting and does not grossly depart from industry norms, standards and practices regarding the

application of said pesticide. This condition does not extend to any loss or damage caused by the gross negligence or willful misconduct of a Released Party, or a violation of Food and Agricultural Code Section 12972 verified by the County Agricultural Commissioner. This condition expressly extends to any statutory violations, except as set forth herein, including but not limited to actual or alleged violations of Food and Agricultural Code Section 12973, so long as the violations are not caused by the gross negligence or willful misconduct of a Released Party. Approval of this land use permit, as a land use decision, is a quasi-judicial action regulatory in nature involving the application of preexisting laws or standards to a specific project and does not involve negotiated consideration by both the County and the application, unlike a development agreement (see 78 Ops.Cal.Atty.Gen. 230), and therefore is not subject to the limitations of Civil Code section 1668 because this land use decision is not contractual in nature. This condition of approval shall have no impact on the enforcement or application of State pesticide laws and regulations by state or local agencies, including but not limited to licensing and certification requirements, pesticide use reporting and operator identification numbers, pesticide use enforcement inspections and investigations, issuance of cease and desist orders, initiation of administrative or criminal enforcement actions, and imposition of administrative, civil and criminal penalties.

Biological Resources

92. **BIO-22 For the life of the project**, all oak trees not identified as being impacted shall be maintained. Unless identified as impacted in the finalized site plans, the following activities are not allowed within the critical root zone of existing or newly planted oak trees: year-round irrigation (no summer watering, unless “establishing” new tree or native compatible plant(s) for up to 3 years), grading (includes cutting and filling of material), compaction (e.g., regular use of vehicles), placement of impermeable surfaces (e.g., pavement), and disturbance of soil that impacts roots (e.g., tilling).

Energy Resources

93. **ENG-3 At time of quarterly monitoring inspection**, the applicant shall provide to the County Department of Planning and Building for review, a current energy use statement from the electricity provider (e.g., PG&E) that demonstrates energy use to date for the year. The applicant shall demonstrate continued compliance with ENG-1 and ENG-2 (e.g., providing a currently PG&E energy statement showing continuous enrollment in the Solar Choice program or Regional Renewable Choice program).

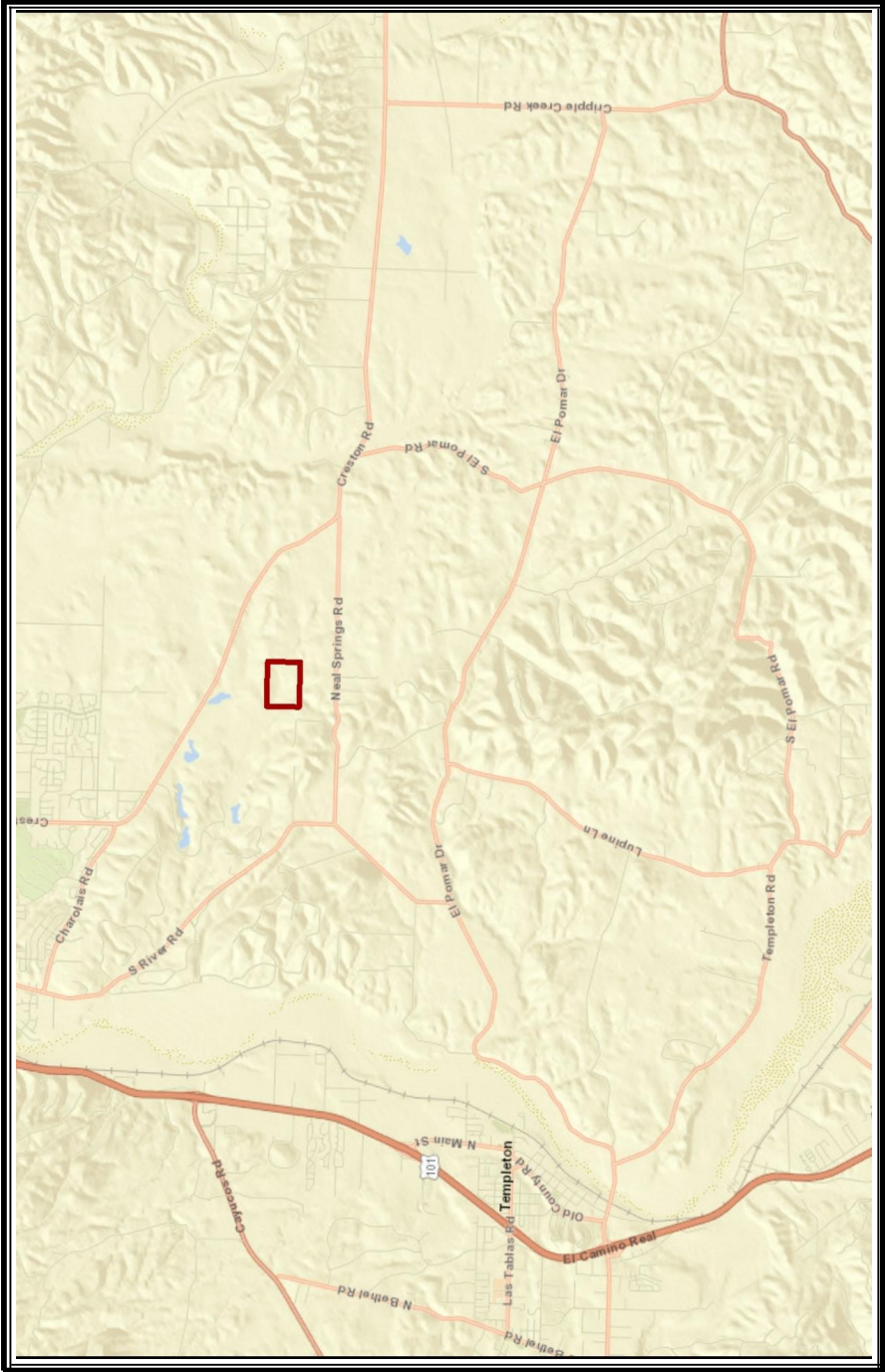
Hydrology and Water Quality

94. **WQ-2 At the time of quarterly monitoring inspection**, the applicant shall provide to the County of San Luis Obispo Department of Planning and Building for review, evidence that the water efficiency improvements associated with the approved Water Conservation Program remain in full effect and are continuing to achieve the required water demand offset associated with the approved cannabis activities.

Land use permit expiration.

95. This Minor Use Permit for cannabis cultivation shall expire in five years from the approval date. Within a twelve (12) month period prior to expiration, the applicant may request the Minor Use Permit be renewed for an additional five-year period. Any such request for renewal shall be in writing to the Department of Planning and Building and shall be submitted in conjunction with the appropriate land use permit application. The request for renewal shall be processed with the same type of permit for the original entitlement. If a

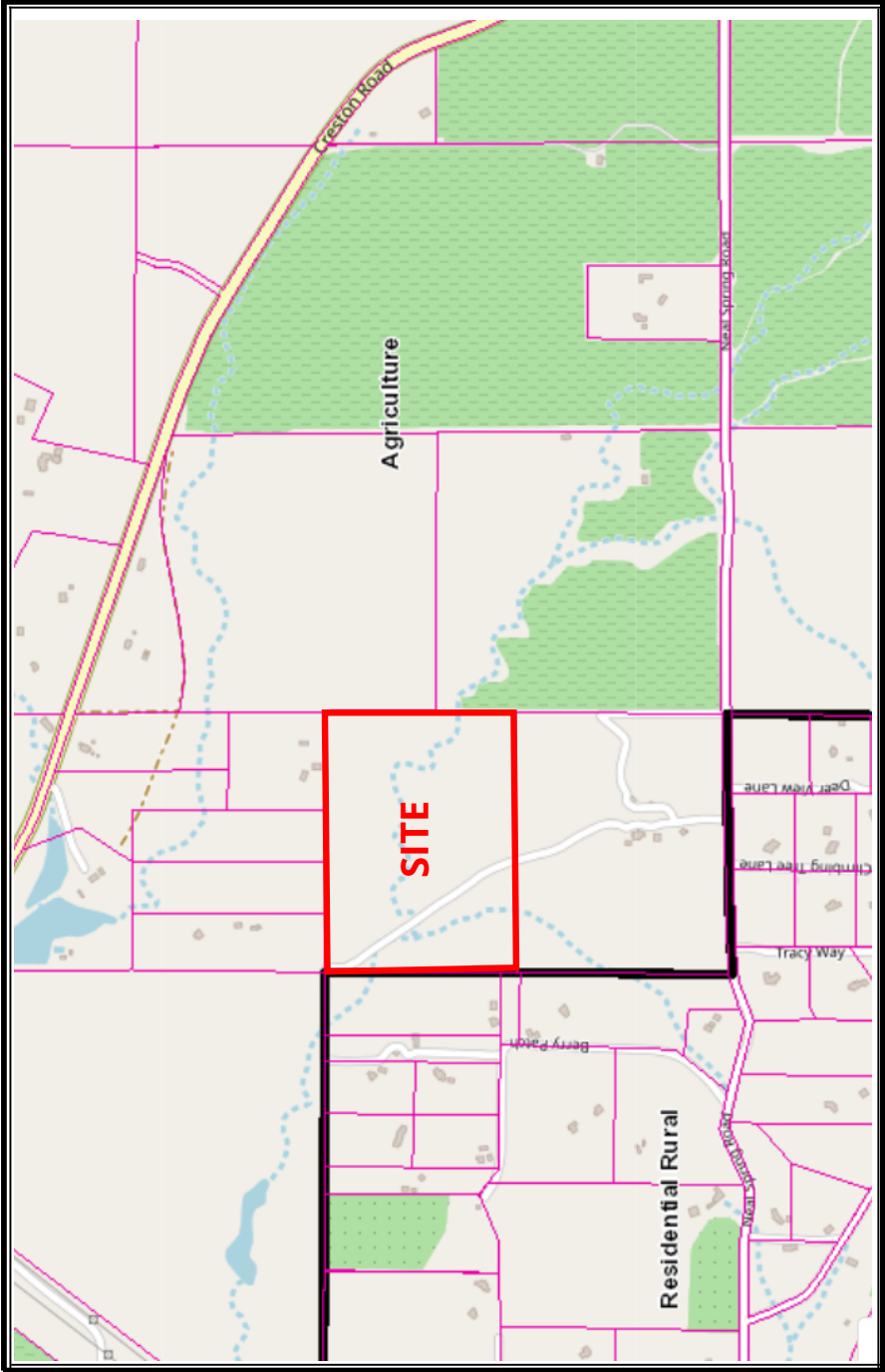
request for renewal is not requested or not granted, the Minor Use Permit shall be deemed expired.



Vicinity Map
DRC2019-00042

COUNTY OF SAN LUIS OBISPO





Land Use Category Map
DRC2019-00042

COUNTY OF SAN LUIS OBISPO

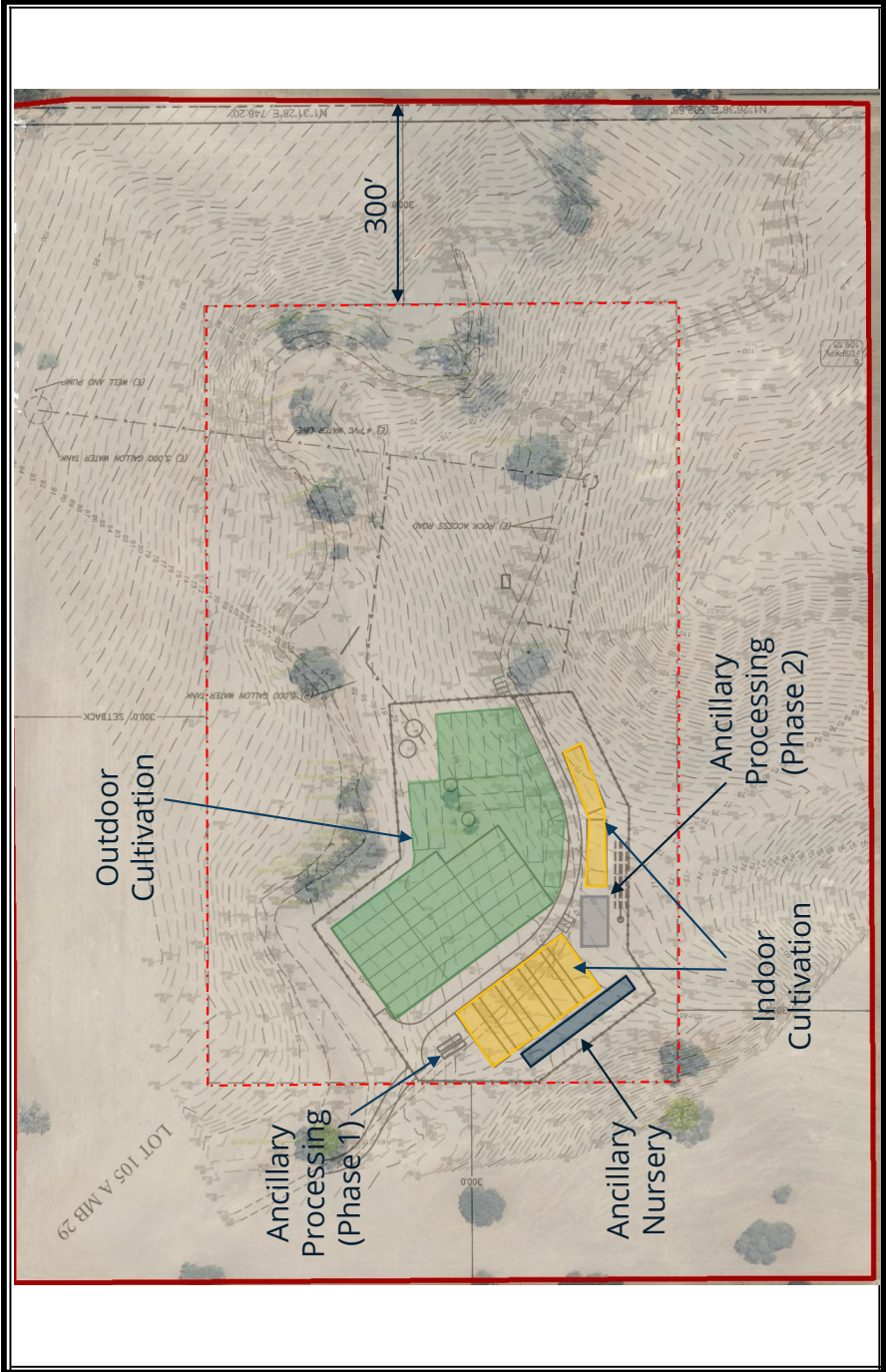




Aerial
DRC2019-00042

COUNTY OF SAN LUIS OBISPO





Site Plan
DRC2019-00042

COUNTY OF SAN LUIS OBISPO



LAND USE ORDINANCE CONSISTENCY TABLE
MINOR USE PERMIT DRC2019-00042 / Copper Creek Farms, LLC

Standard	Required	Proposed / Conditioned	In Compliance?
Requirements for all Cannabis Activities			
Security (22.40.040.D)	Security measures sufficient to restrict access to only those intended and to deter trespass and theft of cannabis or cannabis products shall be provided and maintained.	The project application includes a security plan that would be reviewed and approved by the County Sheriff's Department prior to issuance of a business license, and would be maintained as an ongoing condition of approval.	Yes
Site posting (22.40.040.E)	The owner shall post onsite all required County and State permits and licenses required to operate.	The project has been conditioned to require the posting of all County and State permits and licenses onsite.	Yes, as conditioned
Records (22.40.040.F)	Maintain documentation verifying that all cannabis/cannabis products are exchanged between licensed cannabis operations	The project has been conditioned to maintain clear and adequate records and documentation.	Yes, as conditioned
Pesticides (22.40.040.K)	Approved cannabis cultivation operations employing the use of pesticides shall also obtain the appropriate pesticide permitting from the County Department of Agriculture / Weights and Measures.	The project has been conditioned to consult with the County Department of Agriculture / Weights and Measures regarding potential licensing and/or permitting requirements.	Yes, as conditioned
Water Quality (22.40.040.L)	Cannabis cultivation shall operate pursuant to a permit from the Central Coast Regional Water Quality Control Board (CCRWQCB).	The project has been conditioned to comply with standards and/or permitting requirements of the CCRWQCB and the State Water Resources Board (SWRCB).	Yes, as conditioned

Standard	Required	Proposed / Conditioned	In Compliance?
Location (22.40.040.M)	All cannabis activities are prohibited on sites that are surrounded by federal land or on property where the only access to a site is through federal land.	The project site is not surrounded by federal land or located on property where the only access is through federal land.	Yes
Solid waste and recycling (22.40.040.N)	Cannabis activities shall provide solid waste and recycling collection with Sections 22.10.150.B and C.	The applicant intends to store landfill waste and recyclables in bins that will be emptied by a contracted service on a weekly to bi-weekly basis.	Yes
Public notice (22.40.040.P)	The applicant shall provide notice to neighboring properties within 1,000 feet prior to application submittal.	The applicant submitted proof of notice to neighboring properties within 1,000 feet was completed prior to application submittal	Yes
Cultivation Standards			
Location (22.40.050.D.1)	Cannabis cultivation shall not be located within 1,000 feet of identified sensitive uses.	The project is not located within 1,000 of the identified sensitive uses.	Yes
Setbacks (22.40.050.D.3)	Outdoor cannabis cultivation shall be setback a minimum of 300 feet from the property lines of the site or public right-of-way, whichever is closer. Indoor cannabis cultivation shall be within a fully enclosed building that has been setback as set forth in Section 22.30.310 – Nursery Specialties (front – 80 feet, side and rear – 100 feet).	The proposed outdoor cultivation would be located at a minimum of 300 feet from the site's property lines. All proposed indoor cultivation, ancillary nursery, and ancillary processing activities are located beyond the required setback distances for each use respectively and are a minimum of 300 feet from the site's property lines.	Yes

Standard	Required	Proposed / Conditioned	In Compliance?
Setbacks (22.40.050.D.3)	Indoor cannabis cultivation shall be setback 100 feet from any existing offsite residence, swimming pool, patio, or other living area of separate ownership.	The proposed indoor cultivation would be setback more than 300 feet from the nearest existing offsite residence or living area.	Yes
Setbacks (22.40.050.D.3)	All cannabis cultivation shall be setback at least 50 feet from the upland extent of riparian vegetation of any watercourse, and 100 feet from any wetland.	The proposed project would not be within 50 feet from any watercourse. There are no delineated wetlands onsite.	Yes
Air Quality (22.40.050.D.4)	Cannabis cultivation sites located on an unpaved road shall provide for mitigation and maintenance of the road in order to mitigate for the air pollution (i.e. dust) effects created by the use.	Neal Spring Road is a paved County-maintained road.	N/A
Water (22.40.050.D.5)	Cannabis cultivation sites that require a land use permit and are in a groundwater basin at Level of Severity III pursuant to the last Biennial Resource Management System report shall provide an estimate of water demand prepared by a licensed professional engineer or other expert on water demand, and a detailed description of how the new water demand will be offset.	The project has been conditioned to offset water usage in a 2:1 ratio to mitigate project impacts on a LOS III groundwater basin (PRGB).	Yes, as conditioned

Standard	Required	Proposed / Conditioned	In Compliance?
Screening and fencing (22.40.050.D.6)	All cannabis cultivation activities shall occur within a secure fence at least six (6) feet in height that fully encloses the cultivation area and prevents easy access to the site and shall be both solid and durable.	A secure, chain link fence with screening material 6-foot-6-inches in height is proposed to enclose all project facilities. The project is conditioned to install fencing as directed by the Sheriff's Office.	Yes, as conditioned
Renewable energy (22.40.050.D.7)	All sites engaging in artificial light or mixed-light indoor cannabis cultivation shall comply with State regulations regarding energy requirements.	The project's energy needs would be serviced by PG&E, which supplies an 80% greenhouse gas-free renewable energy mix. The project is also conditioned to comply with State regulations regarding energy requirements.	Yes, as conditioned
Nuisance odors (22.40.050.D.8)	All cannabis cultivation shall be sited and/or operated in a manner that prevents cannabis nuisance odors from being detected offsite. All structures utilized for indoor cannabis cultivation shall be equipped and/or maintained with sufficient ventilation controls (e.g. carbon scrubbers) to eliminate nuisance odor emissions from being detected offsite.	The applicant proposes to equip the proposed greenhouses and ancillary processing structures with carbon scrubbers to prevent nuisance odors from being detected offsite. The siting of the project area will allow for the natural dissipation of odors as the outdoor cultivation areas meet or exceed all required setbacks.	Yes, as conditioned
Pesticides (22.40.050.D.9)	Pesticides and fertilizers shall be properly labeled, stored, and applied to avoid and prevent contamination through erosion, leakage, or inadvertent damage from rodents, pests, or wildlife.	The project has been conditioned to require the labeling, storing, and application of pesticides in compliance with Section 22.40.050.D.9 for the life of the project.	Yes, as conditioned

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SITE-OPERATION MANAGEMENT PLAN FOR 0 NEAL SPRINGS ROAD

PROPERTY DESCRIPTION

Subject property is located at 0 Neal Spring Road, Templeton, CA (APN 020-301-010) on a 53.9-acre parcel (see SLO-LU View on page 20). The subject property can be accessed Hwy 101 by exiting at Vineyard Road, and going east approximately .6 of a mile to the junction of El Pomar Road, and then driving east for 3 miles to Neal Spring Road. O Neal Spring can be accessed from a dedicated 1400-foot easement road located at 2210 Neal Spring road. See Legal description from title report below, and satellite picture showing exclusive easement on page 21.

EXHIBIT "A"

RESERVING UNTO THE GRANTORS, their heirs, successors and assigns an easement for ingress and egress, being a portion of Lot 104 of Rancho Santa Ysabel, in the County of San Luis Obispo, State of California, as recorded January 25, 1887 in Book A of Maps, at Page 29, in the office of the County Recorder of said County, more particularly described as follows:

The Easterly 30.00 feet of said Lot 104 from the Centerline of the 25.00 feet wide road as shown on said Map recorded in Book of Maps, at Page 29.

Said easement is appurtenant to and for the benefit of Lot 105 of the subdivision of the Rancho Santa Ysabel, according to map filed for record January 25, 1887 in Book A, Page 29 of Maps, in the office of the County Recorder of said County.

See Exhibit "B" attached hereto and made a part hereof.

Physical Features of the property:

- 53.9 Acres
- Slope 2- 9%
- Native soil is Lockwood-Concepcion
- Flood frequency is none
- Prevailing winds are Northwesterly
- Property not visible from Neal Spring road See page 21 for UC Davis soil map.

The subject property is zoned agriculture, and is surrounded by both Agriculture, and mixed-use properties (hobby farming and livestock).

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The property was acquired by the current owner in 2017, and has been historically used for hobby agriculture and small animal grazing.

NEIGHBORHOOD COMPATABILITY STATEMENT

Cannabis activities will occur on a center portion of this 54-acre AG property and will not be visible from the public right of way on Neal Spring Road.

Property is surrounded by large AG parcels on the North-east and East; a large AG property to the North-west, a large AG property to the south. Other surrounding properties are mixed use, residences and hobby farming.

The proposed site is not within 1000 feet of any of the following:

Preschool Elementary school Junior High School Library Public Park Playground
Recreation center Licensed Drug or Alcohol recovery Facility Licensed Sober Living
Facility House of religious Worship

The site is more than 600 feet from any adjacent residence. All nearby residences have been notified of this project by certified letter. See page 23 for a satellite view of all surrounding properties within a 1000' radius.

CANNABIS ACTIVITIES

Outdoor cannabis cultivation will occur in the South-westerly portion of the parcel in an area setback 300' from the property line as shown with red lines in diagram below. This area has slope that range from .02%-4% and is approximately 3 acres in size (see appendix B for details) Phase 1 Outdoor Cannabis cultivation will occur in area approximately 2.8 acres (see site Plan 2) in hoop houses (roll up sides, open at both end, not permanently attached to the ground. Harvests will be twice a year. No grading will occur. Phase1 activities will begin as soon as licensed is issued.

Phase 2 activities include 7 mixed-light greenhouses approximately 3,000 sq. ft. each (not to exceed 22,000 sq. ft. total), a nursery, and a steel building, and an extension of the electric line from the existing location to the 1.7 acre Phase 2 envelope (see Site Plan 2).

Processing is expected to occur in steel building that will have ADA compliant restroom. Details of greenhouse, nursery, and steel building can be found on Site Plan sheet 3.

It is expected that Phase 1 activities will fund Phase 2 activities. The first Phase 2 activity will be the steel building which is expected to begin in 12 months, other Phase 2 activities are expected to commence no sooner than 18 month in the future.

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FACILITY DESCRIPTION

This cannabis cultivation operation is located on an approximately 54-acre parcel (APN 020-301-010) with address) Neal Spring Road, Templeton, California. The outdoor cultivation area will begin at 43,560 sq. ft.

Plants will be cultivated in hoop houses using water-efficient retention methods (i.e.drip irrigation in either covered furrows or cloth pots)

The cultivation area will be surrounded by a 6.5' chain link style fence (see Site Plan 3 for details) with a motorized gate and security camera, recordings will be kept 90 days as required by California code. Additionally all contract workers will be logged in and out per Cal Cannabis protocols.

Owners will perform day-to-day work, during planting and harvesting contract workers will be brought in through a licensed AG contract worker vendor. Parking will be provided outside the cultivation area. Working hours will be sunrise to sunset.

Waste disposal will be provided by compliant portable restrooms.

All cannabis materials will be sold through licensed distribution facilities.

All State regulations will be strictly adhered to.

Security Lighting & Video Surveillance

Outdoor Cannabis Cultivation Security – Will be achieved by encircling the Hoop-house cultivation site with a 6' fence and locking gates. Additionally, motion control lights will be mounted every 100" along the fence perimeter,

Wireless digital 1020 X720 video cameras will be placed at the entrance to the cultivation site as well as at the secure DVR storage area located on-site.

Crime Prevention Through Environmental Design (CPTED) embraces the theory that crimes are less likely to occur when they cannot be hidden from view. Lighting is one key component to a well-executed security plan by reducing potential dark or shrouded areas, and detecting unauthorized movement. The shielded light fixtures will illuminate the ground plane and will not direct light into the sky.

Security Personnel

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Personnel will be present on the property 24/7 available to respond to any security concerns. Security personnel will be trained to observe and report potential breach activity or actual criminal activity to law enforcement for response.

Digital Video Recording

The Applicant will have a Digital Video Recording (DVR) secure cabinet (in storage container) and remote cameras for the specific needs of this facility. The DVR equipment is intended for use by security personnel in their daily activities.. Additionally, this equipment shall be capable of secure storage of up to 90 days of DVR files from all cameras located onsite. DVR's are available on demand by authorized personnel. Video will be compliant with Title 16 California Code Of Regulations, section 5068.

Employee Safety and Training Program - Illness Injury and Prevention Program

If employees are used, We plan to conform to all California and Federal laws and regulation pertaining to employment.

The California Code of Regulations for OSHA, Title 8, Section 3203:

(a) Effective July 1, 1991, every employer shall establish, implement and maintain an effective Injury and Illness Prevention Program (Program). The Program shall be in writing and, shall, at a minimum:

(1) Identify the person or persons with authority and responsibility for implementing the Program.

(2) Include a system for ensuring that workers comply with safe and healthy work practices. Substantial compliance with this provision includes recognition of workers who follow safe and healthful work practices, training and retraining programs, disciplinary actions, or any other such means that ensures employee compliance with safe and healthful work practices.

(3) Include a system for communicating with workers in a form readily understandable by all affected workers on matters relating to occupational safety and health, including provisions designed to encourage workers to inform the employer of hazards at the worksite without fear of reprisal. Substantial compliance with this provision includes meetings, training programs, posting, and written materials. Additional employee safety and training is addressed in the Fertilizer and Pesticide management sections.

Employee Security Procedures & Personnel Records

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Ensuring employee safety and security is essential to on-going operations of the cannabis-related business activity to be conducted at the subject property. The Applicant expects to employ 2 fulltime workers, and 6-8 more during harvest periods. Background checks compliant with California State law (i.e. Live Scan) will be required for all workers. Release of information forms is provided to workers for signature

Personnel records shall contain at a minimum the following: Copy of employment application; Documentation of training received with date, time, location and employee signature; Record of any disciplinary action taken.

Personnel records shall be maintained for at least six (6) months following separation of the employee from the company.

FIRE SAFETY

A Cal-fire inspection has occurred and site will incorporate all safety recommendations for an outdoor cultivation; specifically, a 4' Water hydrant, and a 60-foot turn around for safety vehicles.

SEDIMENT DISSCHARGE BPTC

Access to the cultivation site is through an access road located at 2210 Neal Spring Road to 3100 Drum Canyon, east along the southern edge of the dry farm hay field; This road runs approximately 1400 feet from the entrance; 2 workers will drive the access road twice a day and are instructed to obey signs that say 5 miles per hour". This road is 16 feet wide and will be surfaced with class II Base

There are no stream crossings near or adjacent to the access road.

This site management plan is for low risk Tier 1, and so no erosion and sediment plan is required.

During the dry season from May through September the road will be well maintained and monitored annually for quality of its surfacing. Possible mitigation measures for reducing particulate matter produced by gravel road travel include: Hiring a water truck as needed to wet the road surface and reduce particulate generation; Maintaining the surface of the road annually or as needed to reduce particulate generation; Reducing the amount of travel on gravel roads through efficient management and enforcing strict speed limits on all road on property; Consolidate activities like solid waste removal and supply deliveries to as few per possible per week .

Erosion on the cultivation site (same BtD2 soil) is minimal as the slope is less than 3%. Natural vegetation will be allowed to grow over the winter, and then be tilled into the soil in the spring.

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Water for this project is sourced from a domestic well pumping 67 gpm. There is one 10,000-gallon poly storage tank on North end of property; an additional 5000 gallon poly tank will be placed adjacent to cultivation site. Cultivation site is located on portion of parcel that has historically lain fallow. After cultivation is finished for the year, area will be mulched and allowed to grow indigenous vegetation until the next cultivation cycle.

CANNABIS VEGETATIVE WASTE MANAGEMENT PLAN

Our reduction plan hinges on healthy plants and the composting of all clean unusable cannabis vegetative waste on site.

CANNABIS VEGETATIVE WASTE ESTIMATES

We estimate the proposed medium outdoor cultivation permit will produce 2-300-lbs of cannabis vegetative waste annually once the site is in full production. All clean cannabis vegetative waste will be recycled on site. The types of cannabis vegetative waste are stems, branches, trunks, roots and other organic materials from the plant rendered useless in the harvesting process. Plant residues (stems and root balls) are chipped and composted or used as mulch in the garden.

PROCESSING, STORAGE AND DISPOSAL (BMPs)

All green waste is composted onsite and reused on site. All green waste is held in designated holding area for 72-hour period with fixed batch information and weight before beginning the composting. **See Site plan sheet 2 for composting location,**

To render unusable, cannabis vegetative waste will be shredded and made unrecognizable and added to a ground mixture of at least 50% non-cannabis material, tracking each batch from disposal to compost through track and trace once the system is live. Green waste that is unable to be composted for any reason, is disposed in a secure receptacle and brought to a solid waste facility, obtaining record from solid waste facility showing the acceptance of the green waste material, address of facility, the date, the volume or weight of cannabis accepted. Detailed records of cannabis vegetative waste will be logged and benchmarked. **STORAGE** The facility will feature a secure cannabis waste area for cannabis plants that have been marked for disposal. At the close of each day, cannabis plant waste from the property will be removed and placed in the secured cannabis waste area and held for a minimum of 72 hours. The secure waste area will remain locked and only authorized personnel will have access. At the end of each week, all cannabis products that have been marked for disposal shall be rendered unusable by grinding and incorporating them with other ground organic materials (e.g., food, coffee grounds, shredded paper), yielding a mixture that is at minimum 51 percent non-cannabis waste by volume. The mixture will then be transferred to the composting area. Once a month, on a regular basis, the compost will be turned to encourage proper rates of decomposition.

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MONITORING AND DOCUMENTING

Applicant Inc. is committed to monitoring and documenting the amount of cannabis vegetative waste that is generated by the facility on a monthly basis. These processes will include:

Weighing and logging the total amount of organics and cannabis waste generated
Weighing and documenting the total amount of retail-ready cannabis flower products against cannabis vegetative waste generated.

DATA REPORTING

Applicant Inc. will share with San Luis Obispo County as needed or as requested, all data pertaining to the cost of implementation and success/ failure rates of the reduction plan, and any effort taken to mitigate the generation of organic waste.

COMPLIANCE

Our Cannabis Vegetative Material Waste Management Plan has been developed to be in compliance with the appropriate local, county and state laws that pertain to the composting and recycling of organic and green waste produced by our cultivation process, including:

Cannabis, Non DAA qualified, AB 2490 State Reduction Goals, AB 341 (organics out of landfills goal) State Reduction Goals, California 70-percent reduction plan Cannabis Cultivation Policy, California State Water Resources Board California Code of Regulations, Title 3 Food and Agriculture, Division 8 Medical Cannabis Cultivation, Section 8108 Cannabis Waste Management.

The Air Quality Management Plan (AQMP)

PURPOSE

The Air Quality Management Plan (AQMP) is designed to promote the health, safety, welfare and environmental quality of the community, the premises and Applicant workers.

In-line with the directives of the San Luis Obispo County Air Quality Management District, our Air Quality Management Plan includes measures to monitor and evaluate the performance of the plan, as well as ensure that all data and information is reported to San Luis Obispo County and the proper local agencies.

SCOPE

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The Applicant Air Quality Management Plan focuses on the following: • Identifying equipment and activities which may cause odor, contaminates, or other air quality hazards, and measures taken to reduce potential risks • Establishing responsible parties and best management practices if complaints occur • Mitigating the amount of air pollution and particulates that are generated and emitted during the build-out and expansion of Applicant' cultivation site • Minimizing employee exposure to contaminants and particulates that may be harmful to their health, including areas where cannabis plant may be dried, cured, trimmed, packaged or handled

All workers are required to follow the procedures outlined in this plan. Any deviations from this plan must be immediately brought to the attention of Noah Cornell, Director of Cultivation.

OVERVIEW

Applicant will cultivate cannabis using organic methods and preventative pest management strategies, and therefore we anticipate generating a minimal amount of air pollution or particulates that may harm the immediate environment and/or any individual working at or near the cultivation site. We also do not anticipate odor complaints as the cultivation site is over 0.5 miles from the nearest residence. The prevailing wind on the property is SW and the nearest residence in the direction of the prevailing wind is well over one mile reducing odor complaint risk.

Our processing facility will have ventilations systems, fans and flushing capabilities to replenish clean air during the processing and packaging of cannabis.

MINIMIZING ODOR, AIR POLLUTION AND PARTICULATES

Applicant anticipates the following sources to be the most significant emitters of odor, air pollutants and particulates. However, we do not anticipate any single source or combined sources to be harmful or detrimental to the neighboring residences or the community of San Luis Obispo County.

Sources/Activities: • Dust from gravel road and cultivation site • Emission from tractor, wood chipper, and other equipment • Odor from processing facility and cultivation site

DUST GENERATION FROM SITE (BMPs)

Applicant understands that there is potential for the generation of particulate matter during soil disturbance activities. The following best management practices will be employed to reduce this risk:

Establish a full, year-round ground cover within the cultivation site to limit particulate generation during work activities • Limit soil disturbance activities to periods when enough moisture is present in the soil to limit particulate generation • Areas within the

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Cultivation Site will be mulched or planted into cover crop as soon as possible after any activities that disturb the surface of the soil

EMMISSION FROM TRACTOR AND OTHER EQUIPMENT (BMPs)

Applicant expects to use the following equipment, which could impact air quality, for cannabis cultivation related activities:

25hp Kubota Tractor • 18hp gas wood chipper

In order to mitigate potential effects on air quality from the listed equipment, we will make sure that all equipment use is minimized to the extent possible, and all equipment is professionally maintained to ensure efficient operation.

ODOR COMPLAINT MANAGEMENT (BMPs)

There will be an onsite manager who will be designated as the responsible party for odor complaints. He will be trained to take the following steps in response to an odor complaint. • Should an odor complaint be received, we will respond as soon as possible or within 12 hours of receiving the complaint to discuss the issue, recording time, date and person affected • We will then immediately stop all activities that may cause the odor • If we believe the odor drift was caused by the wind, we will stop operations for one hours until the odor dissipates or until the direction of the wind changes, at which point we will restart operations • If the complaint occurs for a second time in period of two hours, we will halt operations for the day

In the case that the odor is the result of the receiving or storage of compost, we will follow the following practices: • Consider blanketing the compost with non-odiferous material • Expedite the receiving process.

Prevailing wind during harvest times is NW towards a large AG property with no residences. See page 24 for a satellite picture marked with prevailing wind direction.

Prevailing monthly wind direction for 2200 Neal Spring (APN 020-301-010):

Jan	Feb	March	April	May	June	July	Aug	Sept		Nov	Dec
E	E	NW	NW	NW	NW	SSW	WNW	NW	NW	E	E

Yearly average is NW

Date retrieved April 24, 2019 from: https://wrcc.dri.edu/Climate/comp_table_show.php?type=wind_dir_avg

ODOR MITIGATION PRACTICES FOR OUTDOOR CULTIVATION

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Possible hedge planting rows of native flowering shrubs with coinciding flowering cycles to cannabis • Development of misting system which serves to increase ambient humidity in the cultivation site and reduce offsite odor drift

MONITORING PERFORMANCE OF AQMP

Applicant will monitor and document the performance of the Air Quality Management Plan implemented at the premises.

On an annual basis, we will review all documentation pertaining to the performance of the Air Quality Management Plan as to determine if the risk of nuisance odors is within acceptable tolerances, or can be mitigated further by implementing new best management practices or advanced mechanical systems.

REPORTING PERFORMANCE OF AQMP

All data and information will be made available to San Luis Obispo County Community Development Staff, and the San Luis Obispo County Air Quality Management District.

REVIEW

Cultivators will review all procedures in the AQMP once a year and will take action to ensure full compliance with local, state and federal regulations that pertain to the usage of fertilizers.

FERTILIZER MANAGEMENT PLAN

Applicant is applying for Commercial Cannabis Cultivation Minor Use Permits in San Luis Obispo County, California. Upon receiving permits, we will apply for state issued MAUCRSA licenses, A-Type 3 (one acre of outdoor canopy)

PURPOSE

The Fertilizer Management Plan (FMP) provides guidelines for the application of fertilizers, storage of fertilizers during the cultivation and employee training. In-line with the goals of San Luis Obispo County, our Fertilizer Plan includes measures to monitor and evaluate the performance of the plan, as well as ensure that all data and information is reported to San Luis Obispo County and the proper local agencies.

SCOPE

Applicant's Fertilizer Management Plan focuses on the following: • Proper application and consideration of amount applied • the timing of applications based on seasonal and climatic conditions and the growth stage of the cannabis crop • Proper storage of fertilizers • Proper response to fertilizer spills and clean up. All workers are required to

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follow the procedures outlined in this plan. Any deviations from this plan must be immediately brought to the attention of Noah Cornell, Director of Cultivation.

OVERVIEW

Applicant approaches soil fertility from a biological perspective. Biologically active soil optimizes plant health, reduces the need for fertilizers, increases plants abilities to fight insect infestation, and reduces irrigation rates overall. Applicant relies primarily on good biologically active compost, and extracts made from compost as the basis for our fertility program. Compost builds healthy soil over time, increasing the infiltration rates of rainwater, and exists in a stable form that produces little runoff. Along with compost, annual soil testing gives a complete view of the mineral balance of the soil. Amendments are added in the spring to adjust mineral balance for the growing season, and cover crops are sown in the fall to lock fertility into the site during the rainy season.

To limit infiltration and water quality degradation, Applicant will irrigate and apply fertilizer consistent with the proper agronomic rate. All application will be at rates that are reasonable for crop, soil, climate, special local situations, management system and type of fertilizer.

All fertilizers will be stored in their original package and may only be used in strict accordance with the product label requirements including, but not limited to directions pertaining to application, storage and disposal of the fertilizer product. Data safety sheets for all fertilizers will be maintained always.

FERTILIZER APPLICATION (BMPs)

The following are best management practices used in application: • Plant cover crop to boost soil fertility and protect from storm events • Follow the manufacturer's suggested application rates •

Contain any spills immediately • Prevent off-site drift with hedges placed around the grow site • Do not spray directly on surface water to allow fertilizers to drift to surface water Spray only when wind is blowing away from surface water • Install buffer strips, bio-swales, or vegetation downslope of cultivation site to filter runoff of chemicals from irrigation • Do not apply pesticides. Instead, use safe pesticide alternatives recommended by Department of Pesticide Regulation

Implement Integrated Pest Management practices to avoid the need for pest control • The use of fertilizer shall not occur within 100 feet of any spring, top of bank of any creek or seasonal stream, edge of lake, delineated wetland or vernal pool - for purposes of determining the edge of Clear Lake, the setback shall be measured from the full lake level of 7.79 feet on the Rumsey Gauge

FERTILIZER STORAGE (BMPs)

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The following are best management practices used in storage: Ensure fertilizers are properly labeled and stored to avoid contamination through erosion, leakage, or inadvertent damage from rodents, pests, or wildlife; Establish and use a separate storage area for fertilizers; Ensure all such storage areas shall comply with the riparian setback requirements, be in a secured location in compliance with label instructions, be located outside of areas of known slope instability, and be protected from accidental ignition, weather, and wildlife ; Ensure storage areas have appropriate secondary containment structures to protect water quality and prevent spillage, mixing, discharge, or seepage; Store any chemicals in a secure building or shed to prevent access by wildlife; Store all products that impact water quality in a manner that does not allow for runoff to surface waters Segregate acids from bases; segregate inorganic oxidizing acids (e.g. nitric acid) from organic acids (e.g. acetic acid), flammables, and combustibles ; Segregate acids from water reactive metals such as sodium, potassium, and magnesium; Store corrosives on lower shelves at least below eye level and in compatible secondary containers, and will not store corrosives on metal shelves; Store dry powder and granular fertilizers in moisture-proof plastic tubs or containers

MONITORING PERFORMANCE OF FMP

Applicant will maintain an accurate log of all fertilizers to be used for the cultivation of cannabis. The log will detail the date, fertilizer type, amounts applied, method, the operator applying, and any additional inputs or amendments to the soil. This log will be kept in the secured office on site.

EVALUATING PERFORMANCE OF FMP

We will evaluate the yields for each batch and harvest of cannabis cultivated against the fertilizer inputs, benchmarks will include: • Overall dry flower yield per strain, per square foot of canopy • Potency for each batch of crop of cannabis cultivated • The quantity of amendments or additional inputs used during cultivation • Environmental conditions during the flowering phase of plant development

WORKER TRAINING

Applicant will ensure all workers and managers are trained to adhere to the following best management practices at the cultivation facility.

Each employee will be trained on the following: • Acute, chronic, and delayed effects of fertilizers • Sensitization • Routes by which fertilizers can enter the body • Emergency first aid for fertilizer overexposure • How to access emergency medical care • Decontamination procedures • Spill clean up • Importance of showering with soap and warm water • Compliant use of fertilizers • How to use Personal Protective Equipment • Heat illness prevention, recognition, and first aid • Safety requirements and procedures for handling, storing, transporting and disposing • Warning against taking fertilizers and/or fertilizer containers home • Triple Rinsing • Proper disposal practices • All

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necessary personal protective equipment will be available, clean, and properly stored • Fertilizer application equipment shall be properly calibrated

Fertilizer wastes shall not be disposed of on the ground, into or near water, or into storm drains, or septic tanks • Fertilizer containers, including empties, will not be left unattended, handled, emptied, stored or disposed of in a way that would create a hazard for people animals including bees, food, feed, crops or property

FERTILIZERS TO BE USED:

Applicant is Clean Green Certified and under that certification will use fertilizers found on the second page of the appendix.

REVIEW Director of Cultivators will review all procedures in the Fertilizer Management Plan once a year and will take action to ensure full compliance with local, state and federal regulations that pertain to the usage of fertilizers.

Nitrogen Plan as per California State Water Board INTRODUCTION Plan Requirements This Nitrogen Management Plan was prepared to fulfill requirements of the State Water Resources Control Board's Order WQ 2017-0023-DWQ General Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities (General Order). The General Order requires the following items: Tier 2 Dischargers that cultivate one acre or more of cannabis are required to submit a Nitrogen Management Plan (NMP). The NMP shall describe how nitrogen is stored, used, and applied to crops in a way that is protective of water quality. This Nitrogen Management Plan follows the technical report guidance and plan outline of the General Order Attachment D.

SOURCES OF NITROGEN

Bulk Materials (Materials either used as growing medium or as amendments to the growing medium (e.g., potting soil, manure, bio-solids, etc.).

The current operation imported approximately 50 cubic yards of Pro Mix HP Mycorrhizae for the existing garden and was used to fill the circular raised beds. This growing medium contains peat moss, perlite, limestone, mycorrhizae and a wetting agent. Approximately 10 yards of Pro Mix HP Mycorrhizae will be imported each subsequent year. This material is not a significant source of nitrogen (less than 0.1% nitrogen).

Dry Fertilizers: Materials added to a growing medium or mixed with irrigation water that provide nitrogen to the crop (e.g., bone meal, feather meal, pelletized manure or biosolids, pelletized chemical fertilizer, etc.).

The operation plans on using organic feather meal as the primary granular nitrogen source for the existing garden. Approximately 300 pounds of feather meal will be used in

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the existing garden on an annual basis. Additional nitrogen containing granular fertilizers include bone meal and kelp meal.

Liquid Fertilizers: Materials added to irrigation water, or that are applied directly to the crop (e.g., fish emulsion, chemical fertilizers, etc.).

The operation will use the following liquid fertilizers: RX Green line of liquid nutrients including Grow A, Grow B, Bloom A, Bloom B, Energy and Bulk, and blackstrap molasses.

NITROGEN STORAGE, USE, AND DISPOSAL PRACTICES

3.1. Describe when nitrogen-containing materials will be delivered to the site (e.g., as needed or at the beginning of growing season).

Granular and liquid fertilizers will be transported to the site by staff between April and October, as needed. Anticipated amounts and applications below:

Product	N-P-K	Amount	Delivery
Neptune's Harvest: Kelp meal	1-13-0	200 lbs	Beginning of growing season
Down to earth: feather meal	1-0-2	250 lbs	Beginning of growing season
Liquid Fertilizers/soil amends	12-0-0	250 lbs	Beginning of growing season
RX Green Grow A			
RX Green Grow B	1-2-4	7 gallons	Weekly: April-August
RX Green Energy	3-0-2	7 gallons	Weekly: April-August
RX Green Bloom A	3-0-1	3 gallons	Weekly: April-September
RX Bloom B	2-0-4	7 gallons	Weekly: September-October
RX Green Bulk	1-8-5	3 gallons	Weekly: September-October
Blackstrap Molasses	2-12-13	2 gallons	Weekly: October
	1-0-5	2 gallons	Weekly: September-October

Storage of bulk, dry, and liquid fertilizers.

Pro-Mix HP Mycorrhizae will be incorporated into the soil shortly after delivery and will not stockpiled/stored on site. Granular fertilizers (e.g. Bone meal, feather meal, kelp meal, etc.) not incorporated into the soil will be stored in the 8x10 Poly shed on sheet 2.

The following material handling and waste management measures will be implemented: • Prevent or minimize handling of chemical/industrial materials or wastes that can be readily mobilized by contact with storm water during a storm event; • Contain all stored non-solid chemical/industrial materials or wastes (e.g., particulates, powders, paper, etc.)

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that can be transported or dispersed by the wind or contact with storm water during handling; • Cover waste disposal containers and material storage containers that contain chemical/industrial materials when not in use; • Divert run-on and storm water generated from within the facility away from all stockpiled materials; • Clean all spills of chemical/industrial materials or wastes that occur during handling in accordance with the spill response procedures; and • Observe and clean as appropriate, any outdoor material or waste handling equipment or containers that can be contaminated by contact with chemical/industrial materials or wastes.

The following CASQA (2014) Industrial and Commercial BMP fact sheets should be consulted for proper implementation of BPTC measures:

- SC-31: Outdoor Liquid Container Storage
- SC-32: Outdoor Equipment Operations
- SC-33: Outdoor Storage of Raw Materials
- SC-34: Waste Handling and Disposal

3.3. Describe any mixing or processing area(s) of nitrogen containing materials.

This operation does not require the mixing or processing of nitrogen containing materials.

The following are Best Practical Treatment or Control measures for chemical handling: • Chemicals will be used according to the instructions on the label or Material Safety Data Sheet. • **Chemicals will be stored in a water tight 8x 10 poly shed** • Chemicals will be properly labeled and open containers sealed when stored. • Personal protective equipment will be used by staff when handling fertilizers and other chemicals, such as safety glasses, gloves, respiratory mask, boots, and long pants and long-sleeved shirt.

This operation does not require the mixing or processing of nitrogen containing materials.

The following are Best Practical Treatment or Control measures for chemical handling: Chemicals will be used according to the instructions on the label or Material Safety Data Sheet. Chemicals will be stored in a Conex shipping container or a dedicated poly shed. Chemicals will be properly labeled and open containers sealed when stored. Proper protective equipment will be used by anyone handling fertilizers and other chemicals, such as safety glasses, gloves, respiratory mask, boots, and long pants and long-sleeved shirt

The current garden consists of plants grown in furrows and covered in plastic to retain soil moisture. Soil is re-used each growing season by amending the soil with nutrients and additional bulk soil at the beginning of each growing season.

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No “spent” growing medium is expected to be generated by this cultivation operation.

The following are Best Practical Treatment or Control measures for chemical handling: Yard waste, green waste, and other compostable materials will be segregated from the solid waste and shredded and composted onsite for reuse as mulch or as a soil amendment, or deposited at an appropriate transfer facility. Non-cannabis compostable materials and recyclable wood can be dropped off at any facility where it may be processed as new compost.

Growing media waste will be reduced or eliminated by composting and blending old soils with new soils and amendments. No growing media is expected to be disposed. Instead, media is reduced in volume yearly because it is absorbed by the plants and metabolized by soil organisms (bacteria, fungi, invertebrates). Green waste, primarily cannabis root-balls and stems, will be chipped and composted then blended back into the planting soil. Soil staging areas and compost piles will be located inside the fenced areas. BMPs will be employed to ensure that these piles do not contaminate stormwater or cause nuisance dust or odor issues.

If “spent” growing medium is not removed from the site, describe how amendments are added to the existing medium to improve the nitrogen content. Describe when that process occurs.

No “spent” growing medium will be created as a result of this operation.

NITROGEN APPLICATION RATE

Monthly Applied Nitrogen – Provide a nitrogen management worksheet that calculates the nitrogen applied per canopy acre (see attached). Note that monthly nitrogen uptake rates generally are consistent with the evapo-transpiration rate.

Assumptions regarding nitrogen calculations for the existing 43,560 square foot garden:

Feather meal:

25 lb bag, 250 lbs/year, applied in April = approx. 250 lbs.; Nitrogen content 12% (dry basis?), 20% moisture content = 250 pounds x 0.8 dry weight x 0.12 nitrogen content = 24 lbs N

Kelp meal:

25 lb bag, 200 lbs/year, applied in April = approx. 200 lbs.; Nitrogen content 1% (dry basis?), 20% moisture content = 200 pounds x 0.8 dry weight x 0.01 nitrogen content = 1.6 lbs N

Bone meal:

NAHIAL-DRC2019-0042

25 lb bag, 200 lbs/year, applied in April = approx. 200 lbs.; Nitrogen content 1% (dry basis?), 20% moisture content = 200 pounds x 0.8 dry weight x 0.01 nitrogen content = 1.6 lbs N

RX Green Grow A:

5 gallon container, 7 gallons/year, 9 lbs per gallon = 7 x 9 = 63 lbs/year Nitrogen content 1% (wet basis) = 63 pounds x 0.01 nitrogen content = 0.63 lbs N

RX Green Grow B:

5 gallon container, 7 gallons/year, 9 lbs per gallon = 7 x 9 = 63 lbs/year Nitrogen content 3% (wet basis) = 63 pounds x 0.03 nitrogen content = 1.89 lbs N RX

Green Energy:

1 gallon container, 2 gallons/year, 9 lbs per gallon = 2.2 x 9 = 19.8 lbs/year Nitrogen content 3% (wet basis) = 19.8 pounds x 0.03 nitrogen content = 0.59 lbs N

RX Green Bulk:

1 gallon container, 2 gallons/year, 9 lbs per gallon = 2.2 x 9 = 19.8 lbs/year Nitrogen content 2% (wet basis) = 19.8 pounds x 0.02 nitrogen content = 0.40 lbs N

Molasses:

1 gallon container, 1 gallons/year, 11.6 lbs per gallon = 2 x 11.6 = 23.2 lbs/year Nitrogen content 1% (wet basis) = 23.2 pounds x 0.01 nitrogen content = 0.23 lbs N

This fertilizer schedule will be scaled up for any increase in canopy for this project. The target application rate is approximately 220 lbs – 300 lbs of nitrogen per acre.

Appendix 1: Nitrogen Reporting Worksheets

The Appendix contains the nitrogen management worksheets prepared for this cultivation operation. For this first reporting year, the estimated annual application rate for nitrogen is: 273 pounds N/canopy acre/year.

This annual application rate is less than 319 pounds N/ canopy acre/year, which is the maximum allowed under the General Order. The General Order states: “No. 115. When used, cannabis cultivators shall only apply nitrogen to cannabis cultivation areas consistent with crop need (i.e., agronomic rate). Cannabis cultivators shall not apply nitrogen at a rate greater than 319 pounds/acre/year unless plant tissue analysis performed by a qualified individual demonstrates the need for additional nitrogen application. The analysis shall be performed by an agricultural laboratory certified by the State Water

NAHIAL-DRC2019-0042

Board's Environmental Laboratory Accreditation Program In subsequent years, the nitrogen management worksheets will be computed and attached to the Appendix of this Plan. Nitrogen management worksheets are attached to the Appendix 1 of this Plan.

Limited Nitrogen Availability Due to natural processes, some crops may be nitrogen limited despite applying 1.4 times the crop uptake rate. (See the Nitrogen Application and Crop Uptake section of the General Order.) Additional nitrogen may be applied if the need is demonstrated based on a plant tissue sample analysis as described in the General Order. Provide the name of the analytical or agricultural laboratory that will provide plant tissue analysis.

Since the annual application rate of this cultivation operation is less than 319 pounds N/ canopy acre/year, no plant tissue analyses were performed. If the cultivator wishes to increase the application rate, plant tissue analyses should be performed. No lab analyses have been performed yet.

Pest Management Plan

SCOPE

The Applicant Inc. Pest Management Plan focuses on the following: Pest prevention, deterrence and organic technique, Employee training and safety, Storage of pesticides, Monitoring the effectiveness of the plan as well as reporting data to San Luis Obispo County and all appropriate local agencies. All workers are required to follow the procedures outlined in this plan. Any deviations from this plan must be immediately brought to the attention of Management. OVERVIEW Applicant Inc. is a Clean Green, pesticide-free farm. We use an integrated ecosystem- based strategy that focuses on long-term prevention of pests and damage through a combination of techniques such as biological control, habitat manipulation, modification of cultural practices, and use of resistant varieties. In lieu of utilizing chemical pesticides, we implement proactive systems using beneficial insects to target specially selected species as well as daily pest scouting to ensure production of the cleanest, purest, high-quality cannabis.

During a typical growing season, this cultivation operation does not utilize or store any chemicals or pesticides other than 1-gallon bottles of Bordeaux Mixture and 25-lbs bags of diatomaceous earth. These chemicals are stored in a storm proof shed. The Site Management Plan identifies Best Management Practices for chemical use and storage that will be implemented. The Site Management Plan also has a monitoring program that could identify any accidental chemical release and respond with appropriate cleanup. Operation of the Proposed Project will have a less than significant impact on hazardous materials.

PEST DETERRENCE (BMPs)

Applicant Inc. practices the following techniques to minimize pest infestations:

NAHIAL-DRC2019-0042

Minimizing dust

Releasing predatory mites

i.e. Neoseiulus (= Amblyseius) californicus

Hanging yellow sticky cards

(Alates)

Removing any infested plant material

The use of companion plants and other trap crops

Using reflective mulches

Using beneficial bacteria

(Actinovate™-streptomyces Lydicus)

Diatomaceous earth

If necessary, Applicant Inc. will use organic pesticides including but not limited to:
Neem-Oil Horticultural oil Sulfur

Bordeaux Mixture

(copper sulfate/calcium hydroxide)

Insecticidal soaps

PESTICIDE USAGE (BMPs)

In the case, all preferred methods of pesticide prevention and eradication have proven unsuccessful, the following are best management practices for pesticide use at Applicant Inc.: Follow all labels and directions before, during and after the use of pesticides Do not over apply pesticides are prepared and loaded on an impermeable pad at least 200 feet away from surface water bodies Do not apply pesticides when pollinators are present Do not spray directly into surface water and only spray when wind is blowing away from surface water bodies When possible, use naturally insecticidal plants around or throughout a grow to repel a variety of flying insects and pests The use of pesticides shall not be located within 100 feet of any spring, top of bank of any creek or seasonal stream, edge of lake, delineated wetland or vernal pool - for purposes of determining the edge of Clear Lake, the setback shall be measured from the full lake level of 7.79 feet on the Rumsey Gauge

NAHIAL-DRC2019-0042

If there is a spill or accidental discharge in or on any waters of the site, immediately notify the Office of Emergency Services so that the local health officer can decide what actions, if any, may need to be taken to protect public safety - HAZMAT SPILL NOTIFICATIONS 1 (800) 852-7550 or (916) 845-8911

WORKER PROTECTION (BMPs)

If pesticides are used, Applicant will follow the EPA's Agricultural Workers Protection Standard by:

Providing protections to workers and handlers from potential pesticide exposure

Providing training on the safe use of pesticides Providing training on how to avoid exposures to pesticides Training to identify pesticides exposure symptoms and how to respond and manage exposures to pesticides if they occur.

PESTICIDE STORAGE (BMPs)

The following are best management practices for pesticide storage at Applicant Inc.: Pesticides shall be properly labeled and stored to avoid contamination through erosion, leakage, or inadvertent damage from rodents, pests, or wildlife. Pesticides are kept in their original containers and the containers are stored in a building, to prevent exposure to sunlight and precipitation and access to wildlife, with secondary containment in the case of leaks or spills.

Pesticides must be stored in a designated cabinet, separate from any incompatible materials. Separate storage areas are dedicated to pesticides, fertilizers, and petroleum products so they are all stored separately. Recycle empty pesticide and pest management containers - never burn or dispose of containers by dumping. Data safety sheets for all pesticides and will be maintained at all times. Applicant will store their chemical and pesticides in a locked shed with appropriate warning signs.

Waste Management Plan:

PURPOSE The Waste Management Plan (WMP) provides guidelines to minimize the generation of waste and for the proper disposal of waste produced during the cultivation of cannabis at Applicant Inc. The goal is to prevent the release of hazardous waste into the environment, minimize the generation of cannabis vegetative waste and dispose of ancillary waste.

OVERVIEW

Applicant Inc., Cannabis Vegetative Material Waste Management Plan (CVMWMP) provides compliant guidelines for on-site composting and removal of all cannabis waste, organics and green waste.

NAHIAL-DRC2019-0042

In-line with the goals of San Luis Obispo County, our CVMWMP includes measures to monitor and evaluate the performance of the plan, as well as ensure that all data and information is reported to San Luis Obispo County and the proper local agencies.

SCOPE

The Applicant's Cannabis Vegetative Material Waste Management Plan focuses on the following:

The recording and benchmarking of the amount of cannabis vegetative waste generated on site on an annual basis, the reduction of cannabis vegetative waste generation, and the processing, storage and disposal of cannabis vegetative waste. All workers are required to follow the procedures outlined in this plan. Any deviations from this plan must be immediately brought to the attention of the Director of Cultivation.

Appendix 1: Nitrogen Reporting Worksheets The General Order monitoring and reporting program (MRP) requires annual submittal of nitrogen data when a Discharger is required to submit an NMP. The application rate shall be reported as pounds of nitrogen applied per canopy acre. (Typically, the cultivation area acreage will be larger than the canopy acreage. Use the anticipated canopy acreage at plant maturity for calculation purposes.) Methods to calculate the pounds of nitrogen applied from bulk, dry, or liquid fertilizer are presented below.

Note that the nitrogen applied shall only be calculated for the month in which it is applied, and all the nitrogen applied shall be calculated. For example, use of slow release fertilizers or materials in chemical forms that are not immediately available for plant uptake shall be included in the calculation for the month applied rather than spreading the value over two or more months. Use of potting soil is likely to show an over application of nitrogen compared to crop uptake in early months, the application rate will approximate the crop uptake over the growing season.

Fertilizer labels always list three nutrients, nitrogen (N), phosphorus (P), and potassium (K). The three numbers represent the percentage of each nutrient in the fertilizer source. For bulk materials such as potting soil, the seller can provide a list of the nutrient content. To calculate the nitrogen contained in liquid fertilizers, the density is needed. Liquid fertilizers list the volume and weight of the product, which can be used to calculate the density of the liquid fertilizer (if density is not listed on the product information label)

NAHIAL-DRC2019-0042

	Product	Bulk N			Dry N			Liquid N				Rate Applied
		fertilizer (lbs)	% N	total N (lbs)	fertilizer (lbs)	% N	total N (lbs)	(gallons)	density (lbs/gal)	% N	total N (lbs)	lbs / canopy acre
April	Feather meal	200	12	24.0			0				0	209
April	Bone meal	160	1	1.6			0				0	14
April	Kelp meal	160	1	1.6			0				0	14
April	RX Green Grow A	63	1	0.6			0				0	5
April	RX Green Grow B	63	3	1.9			0				0	16
April	RX Green Energy	19.8	3	0.6			0				0	5
August	RX Green Bloom A	63	2	1.3			0				0	11
	RX Green Bloom B	63	1	0.6			0				0	5
	RX Green Bulk	19.8	2	0.4			0				0	3
	Molasses	23.2	1	0.2			0				0	2
				0			0				0	0
				0			0				0	0
				0			0				0	0
Total Annual Nitrogen in pounds/canopy acre =												286

Land Use View
Department of Planning & Building

020-301-010

I want to...

Description
[Link to Assessor Map](#)
[Link to Assessment Information](#)
Owner Address:
 PO BOX 1766
 TEMPLETON, CA
 93465-
Assessor Property Address:
 00000 NEAL SPRING NCELPO,
Estimated Acres: 54.38* (survey required for accurate ac.)
Average Slope: 9
Description: RHO STA VSABEL LT 105
Land Value: 739500
Improvement Value: 0
Supervisor District: 1

Land Uses
 AG

Combining Designations

Emergency Response Times
 5 - 10
 10 - 15

Basemaps 0 0.1 0.2mi

Planning and Building Department, Assessor | San Luis O

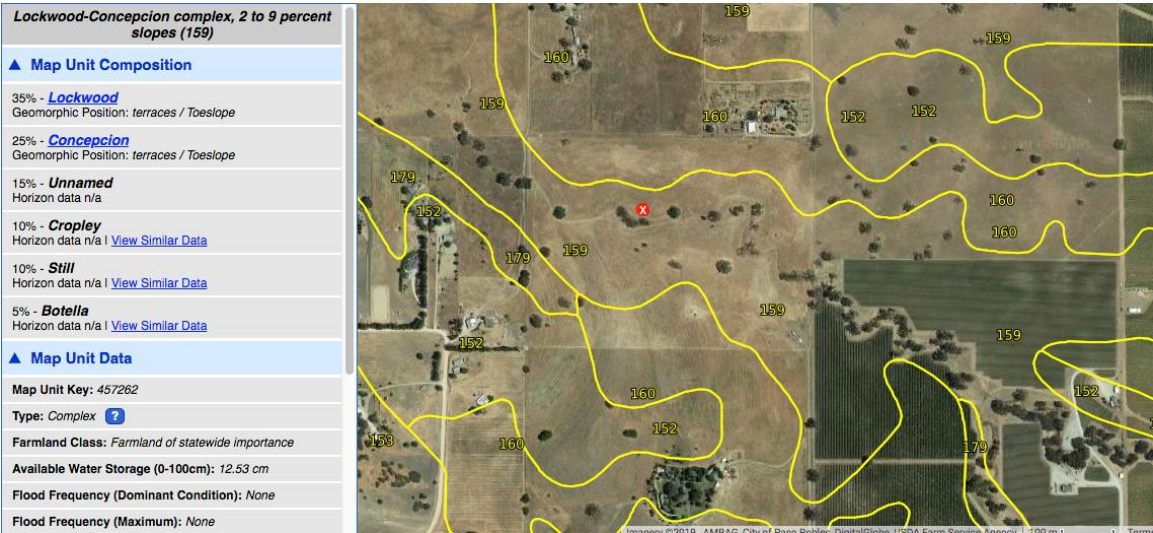
SLO LAND USE VIEW

NAHIAL-DRC2019-0042



Neal Spring deeded and exclusive easement

NAHIAL-DRC2019-0042

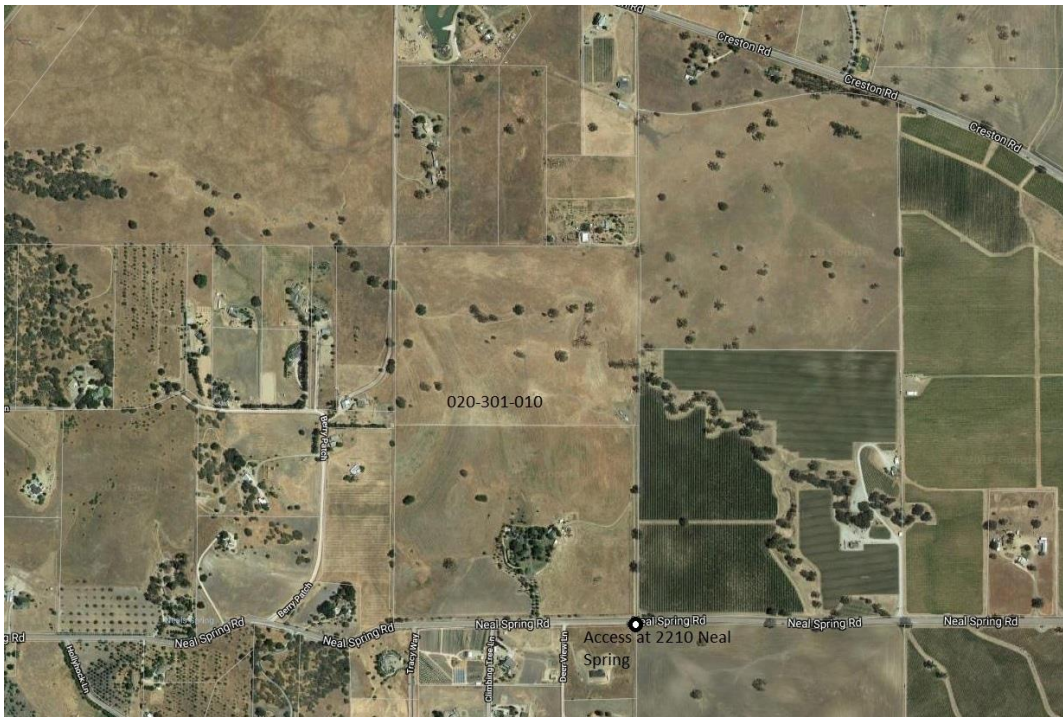


Neal Spring soil profile

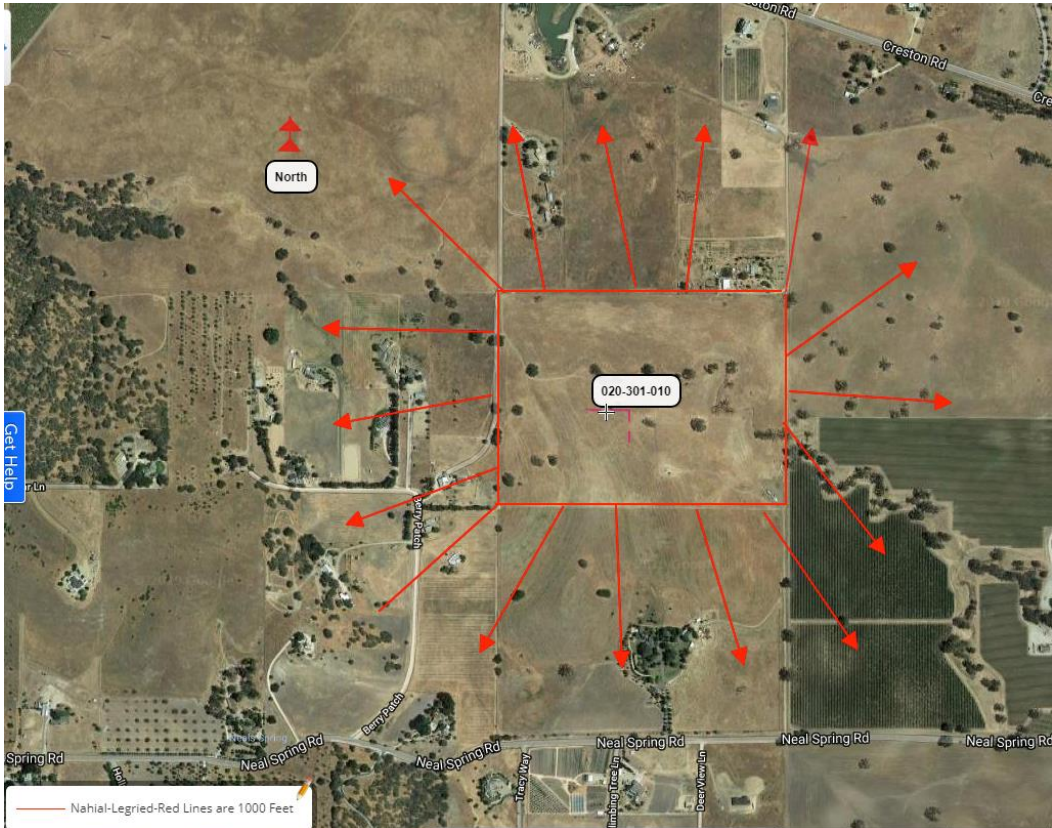


Proposed 3 acre cultivation envelope

NAHIAL-DRC2019-0042



Neal Spring and adjacent properties



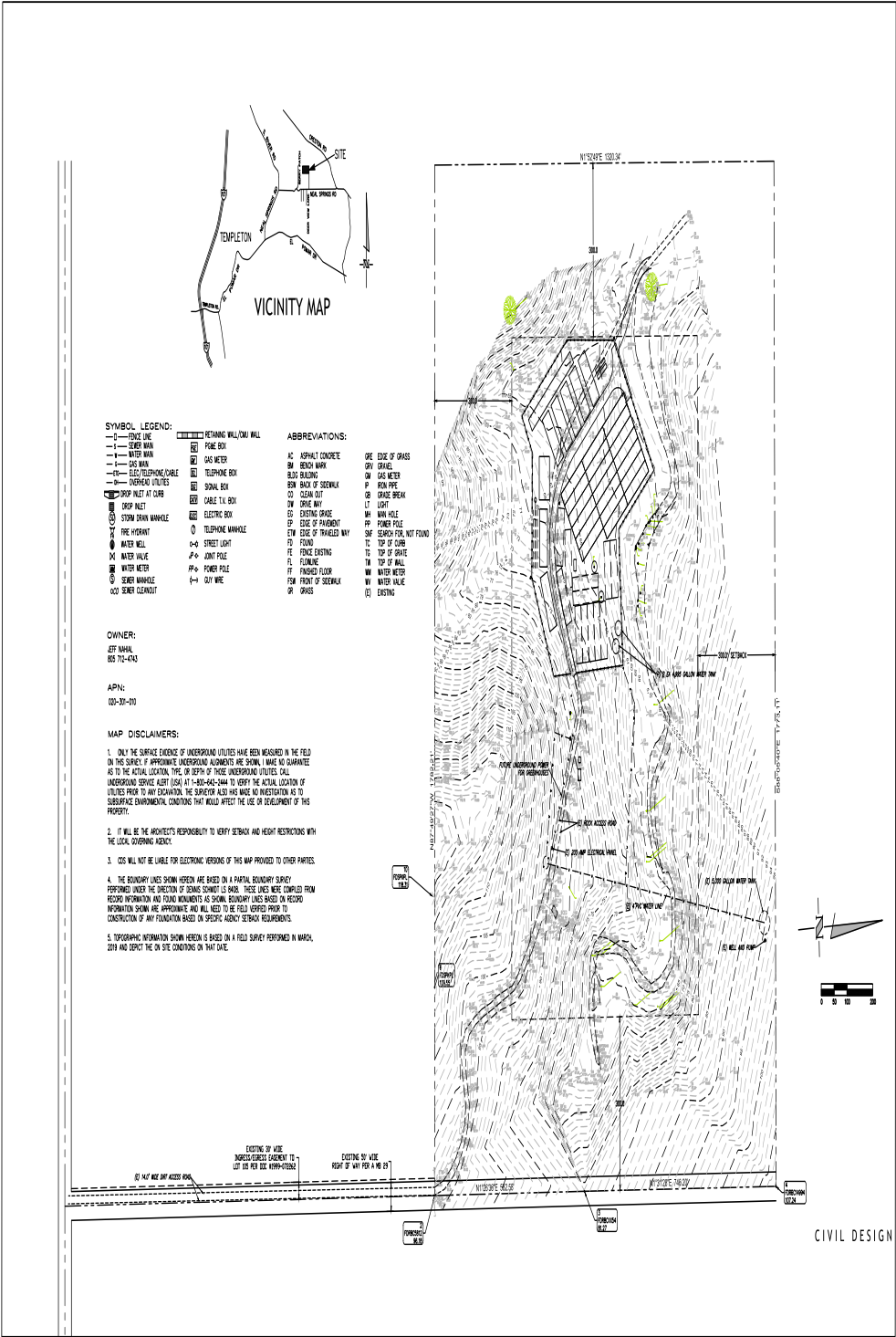
NAHIAL-DRC2019-0042

Neal Spring 1000 ft. Radius



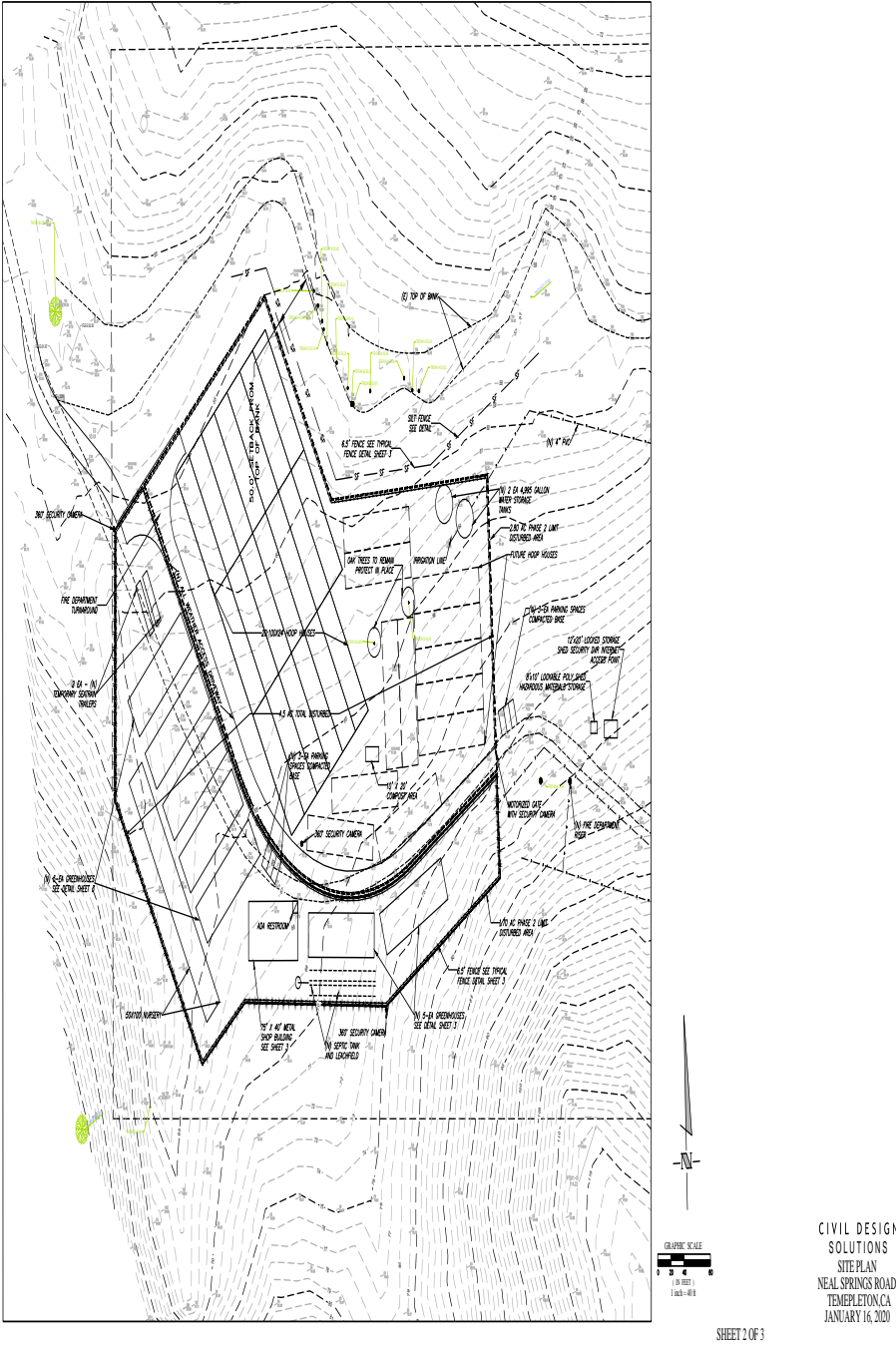
PREVAILING WIND PATTERN: NW

NAHIAL-DRC2019-0042



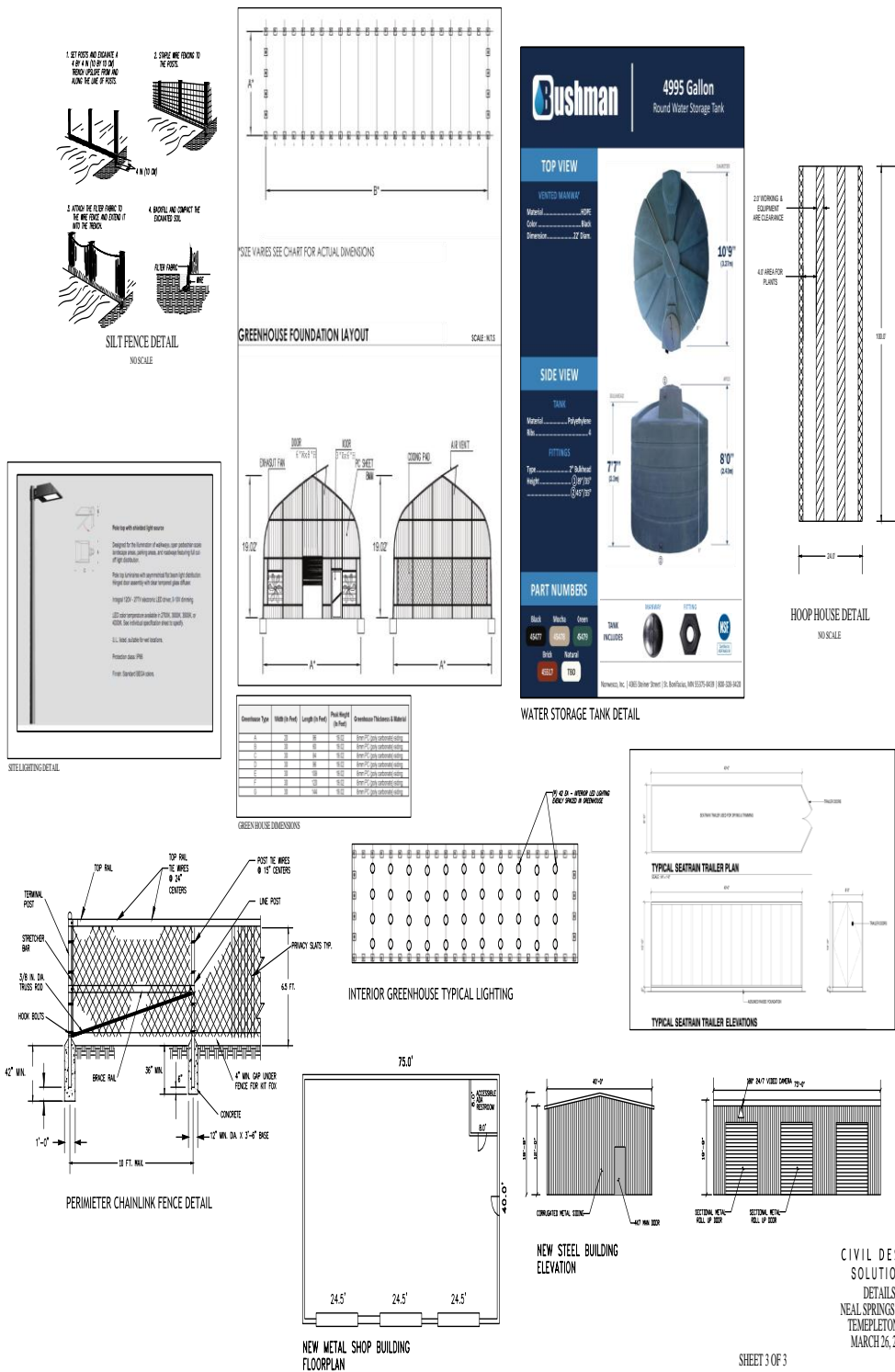
SITE PLAN 1

NAHIAL-DRC2019-0042



SITE PLAN 2

NAHIAL-DRC2019-0042





Air Pollution Control District
San Luis Obispo County

Via Email

April 15, 2019

Cassidy McSurdy
County of San Luis Obispo Department of Planning and Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408
cmcsurdy@co.slo.ca.us

SUBJECT: APCD Comments Regarding the Proposed Nahail Outdoor Cannabis
Cultivation Project (DRC2019-00042)

Dear Ms. McSurdy:

Thank you for including the San Luis Obispo County Air Pollution Control District (APCD) in the environmental review process. We have completed our review of the proposed project located on Neal Springs Road in Templeton. The project proposes a Minor Use Permit for 3-acres of outdoor cannabis cultivation and the use of 1-5 vehicles for transporting/distributing product. The site will be accessed by an unpaved driveway approximately 2,650 feet long.

The following are APCD comments that are pertinent to this project.

GENERAL COMMENTS

As a commenting agency in the California Environmental Quality Act (CEQA) review process for a project, the APCD assesses air pollution impacts from both the construction and operational phases of a project, with separate significant thresholds for each. **Please address the items contained in this letter that are highlighted by bold and underlined text.**

CONSTRUCTION PHASE

Construction Phase Impacts - Below Threshold

The APCD evaluated the construction phase of this project to assess potential air quality impacts from the proposed project. The construction phase impacts will likely be less than the APCD's significance threshold values identified in Table 2-1 of the [CEQA Air Quality Handbook](#) (April 2012). **Therefore, with the exception of the requirements below, the APCD is not requiring other construction phase mitigation measures for this project.**

Attachment 6

APCD Comments for Nahail Outdoor Cannabis Cultivation Project (DRC2019-00042)

April 15, 2019

Page 2 of 3

Developmental Burning

APCD Rule 501 prohibits developmental burning of vegetative material within San Luis Obispo County. If you have any questions regarding these requirements, contact the APCD Engineering & Compliance Division at 805-781-5912.

OPERATIONAL PHASE

OPERATIONAL PHASE IMPACTS - Exceeds Threshold

Based on the APCD's spreadsheet modeling for estimating operational dust emissions from daily traffic on unmitigated unpaved roads, the project could exceed the APCD's daily operational particulate matter (PM₁₀) emissions threshold identified in Table 3-2 of the [CEQA Air Quality Handbook](#) (April 2012). The modeling uses the California Air Resources Board's unpaved road emission factor that is used in their statewide emissions inventory. The screening table reference is available at: slocleanair.org/rules-regulations/land-use-ceqa.php. **If the project will exceed 11 daily vehicle round trips, the APCD recommends that the project implement the on-site PM₁₀ mitigation measures listed below.**

Mitigate Unpaved Access Roads by implementing one of the following:

- a. For the life of the project, pave and maintain the roads, driveways, and/or parking areas; or
- b. For the life of the project, maintain the unpaved roads, driveways, and/or parking areas with a dust suppressant (see Technical Appendix 4.3 of the [CEQA Air Quality Handbook](#) (April 2012) for a list of APCD-approved suppressants) such that fugitive dust emissions do not exceed the APCD's 20% opacity limit for greater than 3 minutes in any 60-minute period (APCD Rule 401) or prompt nuisance violations (APCD Rule 402) will occur;
- c. Also, to improve the dust suppressant's long-term efficacy, the applicant shall also implement and maintain design standards to ensure vehicles that use the on-site unpaved road are physically limited (e.g., speed bumps) to a posted speed limit of 15 mph or less.

If the project's access involves a city or county owned and maintained road, the applicant shall work with the applicable Public Works Department to ensure that the mitigation follows the agency's road standards for that section of road. The applicant may propose other measures of equal effectiveness as replacements by contacting the APCD's Planning & Outreach Division at 805-781-5912.

Operational Phase Permit – Masking/Neutralizing Agents for Indoor/Outdoor Agricultural Growing of Cannabis

The APCD has jurisdiction over nuisance related to odors and air contaminant emissions emanating from masking/neutralizing agents used to control or eliminate cannabis odors. Verified nuisance odors may result in enforcement action which could include the requirement for odor controlling devices. **If masking or neutralizing agents will be used related to indoor/outdoor cannabis agricultural crops, to determine permit applicability, please contact APCD Engineering and Compliance Division at 805-781-5912 or online at: slocleanair.org/air-quality/complaints.php.**

Nuisance – Agricultural Growing of Cannabis

The California Department of Food and Agriculture has identified cannabis as an agricultural product, therefore the APCD recognizes cannabis as an agricultural crop. The California Health and

Attachment 6

APCD Comments for Nahail Outdoor Cannabis Cultivation Project (DRC2019-00042)

April 15, 2019

Page 3 of 3

Safety Code Section 41705 specifically exempts APCD's jurisdiction over nuisance related to odors emanating from the growing of agricultural crops. However, as a controlled substance, crop waste from the agricultural growing of cannabis is not eligible for agricultural burning. **For nuisance concerns related to the agricultural growing of cannabis, please contact the San Luis Obispo County Code Enforcement at 805-781-5600 or online at: slocounty.ca.gov/Departments/Planning-Building/Code-Enforcement/Report-Suspected-Code-Violation.aspx.**

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, feel free to contact me at (805) 781-5912.

Sincerely,



JACKIE MANSOOR
Air Quality Specialist

JNM/jjh

cc: Jeff Nahial, Landowner
Dora Drexler, APCD

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Brandi Cummings

From: Jeff Stranlund <jstranlund@co.slo.ca.us>
Sent: Monday, April 8, 2019 12:09 PM
To: Cassidy McSurdy
Subject: DRC2019-00047 Riparian Biosupport, DRC2019-00042 Nahial

Morning Cassidy,

The Assessor's Office requests lease and production sharing agreements on these properties. Let me know if you have any questions. Thanks and have a good day.

		Riparian		
14,331,064	Mercy Springs	Biosupport (Kirk	DRC2019-00047	CUP
20,301,010	LLC, (Sloan?)	Azevedo)	DRC2019-00042	MUP
	Jeff Nahial	Mark Legneld		

- Provide to the Assessor's Office full copies of any leases (ground, greenhouse or otherwise) or production sharing agreements related to "Cannabis Activities" on the subject property.

Jeff Stranlund
 Assessor's Office/ Supervising Appraiser
 County of San Luis Obispo, Ca
 (805) 788-2327

This e-mail, and any files transmitted with it, are intended only for the person or entity to which it is addressed and may contain confidential, protected, and/or privileged material. Any review, re-transmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient, is prohibited. If you received this in error, please contact the sender and delete the material from any computer.

Brandi Cummings

From: Cassidy McSurdy <cmcsurdy@co.slo.ca.us>
Sent: Thursday, April 11, 2019 1:31 PM
To: Brandi Cummings; Jameson Honeycutt; Cassidy Williams
Subject: EXTERNAL:FW: DRC2019-00042 NAHAIL NORTH COUNTY E-Referral, MINOR USE PERMIT, TEMPLETON

Best Regards,

Cassidy McSurdy | Land Use Technician

(p) 805-788-2959 cmcsurdy@co.slo.ca.us

[Website](#) | [Facebook](#) | [Twitter](#) | [Map](#)



COUNTY OF SAN LUIS OBISPO
Planning & Building

From: Michael Stoker <mstoker@co.slo.ca.us>
Sent: Thursday, April 11, 2019 1:03 PM
To: Cassidy McSurdy <cmcsurdy@co.slo.ca.us>
Cc: Cheryl Journey <cjourney@co.slo.ca.us>; Don C. Moore <dcmoore@co.slo.ca.us>
Subject: Re: DRC2019-00042 NAHAIL NORTH COUNTY E-Referral, MINOR USE PERMIT, TEMPLETON

Cassidy,

Please find buildings recommendations for DRC2019-00042 below. Please let me know if you have any questions.

In regards to this preliminary review, a building permit is not required unless the grading for the road is over 50 cu. yards. The drawings specify the work to be completed consists of a 3 acre outdoor cultivation. If this changes, the building division will need to rereview the proposed plans to verify if a building permit is required and the following are some of the items that would need to be addressed at time of the building permit application;

1. A California licensed Architect or Engineer is required to submit the plans for this project per BPC 5536.1.
2. A pre application meeting will be needed prior to submitting for a building permit to answer any questions and / or discuss code related issues.

Attachment 6

3. Separate building permits will be required for the separate structure/building located on the site (i.e., green house, site lighting, water storage tank and the 8' tall fence).
4. Please specify the buildings Occupancy Group and Type of Construction on the cover sheet of the plans to coordinate with the California Building Code.
5. Provide a reference on the cover sheet of the plans to the applicable codes.
6. The greenhouses will need to comply with the requirements of CBC Appendix C.
7. Provide plans which clearly show the structural design to verify compliance with the 2016 California Building Code and referenced standards. The plans and supporting calculations will need to be prepared by a California Licensed Design Professional (Architect or Engineer) justifying the structural design.
8. Provide isometric / single line drawings for the electrical, plumbing, and mechanical elements to verify compliance with the current versions of the California Electrical, Plumbing, and Mechanical Codes.
9. The building(s) will need to be provided with fire sprinklers and an alarm system under a separate permit. At the time of the permit application provide plans and calculations showing the design of the system.
10. A grading permit may be required for the access road to the site if it exceeds 50 cu. Yards.

If there is any processing on the site the following items will be applicable as it would change the buildings "Occupancy Group":

11. Please specify the buildings Occupancy Group and Type of Construction on the cover sheet of the plans to coordinate with the California Building Code.
12. Provide an allowable area analysis on the plans to verify compliance with CBC Chapter 5, including Table 503 and sections 504, 506, and 508. Also, provide information stating is the building is using the separated, non-separated, or accessory occupancy method or combination of each per CBC Chapter 5.
13. Any fire resistive walls or ceilings due to occupancy separations will need to be detailed on the plans to comply with the requirements of with CBC, including Chapter 5, 6 and 7. The specific details for the wall construction on the plans will need to reference an approved UL listing or gypsum manual listing.
14. Provide an occupant load and exiting analysis on the plans to verify compliance with CBC, including Chapter 10 for the processing containers, security trailer.
15. The accessibility elements throughout will need to be shown, detailed, and / or noted on the plans to verify compliance with CBC Chapter 11B. (i.e. accessible parking, path of travel, restroom design, access to work areas, etc.)
16. Provide a plumbing fixture analysis on the plans to verify the number of fixtures provided is sufficient for the proposed use and complies with CPC Chapter 4 and Table A and Table 422.

thanks

County Of San Luis Obispo

Planning & Building

Michael Stoker, CAsp

Building Division Supervisor

(p) 805-781-1543

mstoker@co.slo.ca.us

From: Mail for PL_Referrals Group
Sent: Friday, April 5, 2019 1:17 PM
To: Cassidy McSurdy
Subject: DRC2019-00042 NAHAIL NORTH COUNTY E-Referral, MINOR USE PERMIT, TEMPLETON

County of San Luis Obispo
Department of Planning & Building

DRC2019-00042 NAHAIL NORTH COUNTY E-Referral, MINOR USE PERMIT, TEMPLETON

APN: 020-301-010

This application was recently filed with the Planning Department for review and approval. Because the proposal may be of interest or concern to your agency or community group, we are notifying you of the availability of a referral on the project.

[DIRECT LINK to NAHAIL Referral Package](#)

Link to webpage for all referral packages on new website (07/26/2017 and later):
<http://www.slocounty.ca.gov/Departments/Planning-Building/Forms-Documents/Informational/Planning-Referrals.aspx>

Link to Archive Referrals: <http://archive.slocounty.ca.gov/planning/referrals.htm>

Community Advisory Groups: You will want to contact the applicant and/or agent for the project to request a presentation to your group, or simply to answer questions about the project. The telephone number and address for the applicant/agent are provided in the link below.

Please comment on all issues associated with this project **within 14 days** of receiving this e-mail
(Community Advisory Groups: please respond within 60 days)

Direct your comments to the project manager(s):
Cassidy McSurdy (cmcsurdy@co.slo.ca.us or 805-788-2959)

Referral Response:

As part of your response to this referral, please answer the following questions:
Are there significant concerns, problems or impacts in your area of review?

If Yes, please describe the impacts along with any recommendations to reduce the impacts in your response.

If your community has a "vision" statement in the Area Plan - does the community feel this project helps to achieve that vision? If No, please describe.

What does the community like or dislike about the project or proposal?

Is the project compatible with surrounding development, does it fit in well with its surroundings? If No, are there changes in the project that would make it fit in better?

Attachment 6

Does the community believe the road(s) that provide access to the site is(are) already overcrowded?

Does the community wish to have a trail in this location?

If the proposal is a General Plan Amendment, does the community feel the proposed change would encourage other surrounding properties to intensify, or establish intense uses that would not otherwise occur?

Please feel free to include information or questions other than those listed above. You may also choose to respond that you have no comments regarding the proposal.



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING
TREVOR KEITH, DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE: 4/5/2019

TO: 1st District Legislative Assistant, Agricultural Commissioner, Assessor, Air Pollution Control Board (APCD), Building Division, Cal Fire/County Fire, Environmental Health, Public Works, Sheriff, Caltrans, U.S. Fish and Wildlife, CA Fish and Wildlife, Upper Salinas Las Tablas Resource Conservation District, AB52

FROM: Cassidy McSurdy (cmcsurdy@co.slo.ca.us 805-788-2959)

PROJECT NUMBER & NAME: DRC2019-00042 Nahail

PROJECT DESCRIPTION: Proposed Minor Use Permit for 3 acres outdoor cannabis cultivation to be located at Neal Springs Rd. Templeton, CA.

APN(s): 020-301-010

Return this letter with your comments attached no later than 14 days from receipt of this referral. CACs please respond within 60 days. Thank you.

PART I: IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- ☐ YES (Please go on to PART II.)
☐ NO (Call me ASAP to discuss what else you need. We have only 10 days in which we must obtain comments from outside agencies.)

PART II: ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- ☐ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)
☐ NO (Please go on to PART III.)

PART III: INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

Please see attached.
4.16.19 Ke Ghiglia x5551
Date **Name** **Phone**

976 Osos Street, Room 300 | San Luis Obispo, CA 93408 | (P) 805-781-5600 | 7-1-1 TTY/TRS Relay
planning@co.slo.ca.us | www.sloplanning.org

Referral – Page 1 of 25



COUNTY OF SAN LUIS OBISPO HEALTH AGENCY
PUBLIC HEALTH DEPARTMENT

Michael Hill *Health Agency Director*

Penny Borenstein, MD, MPH *Health Officer/Public Health Director*

April 16, 2019

To: Cassidy McSurdy, Department of Planning and Building

From: Environmental Health
Kealoha Ghiglia

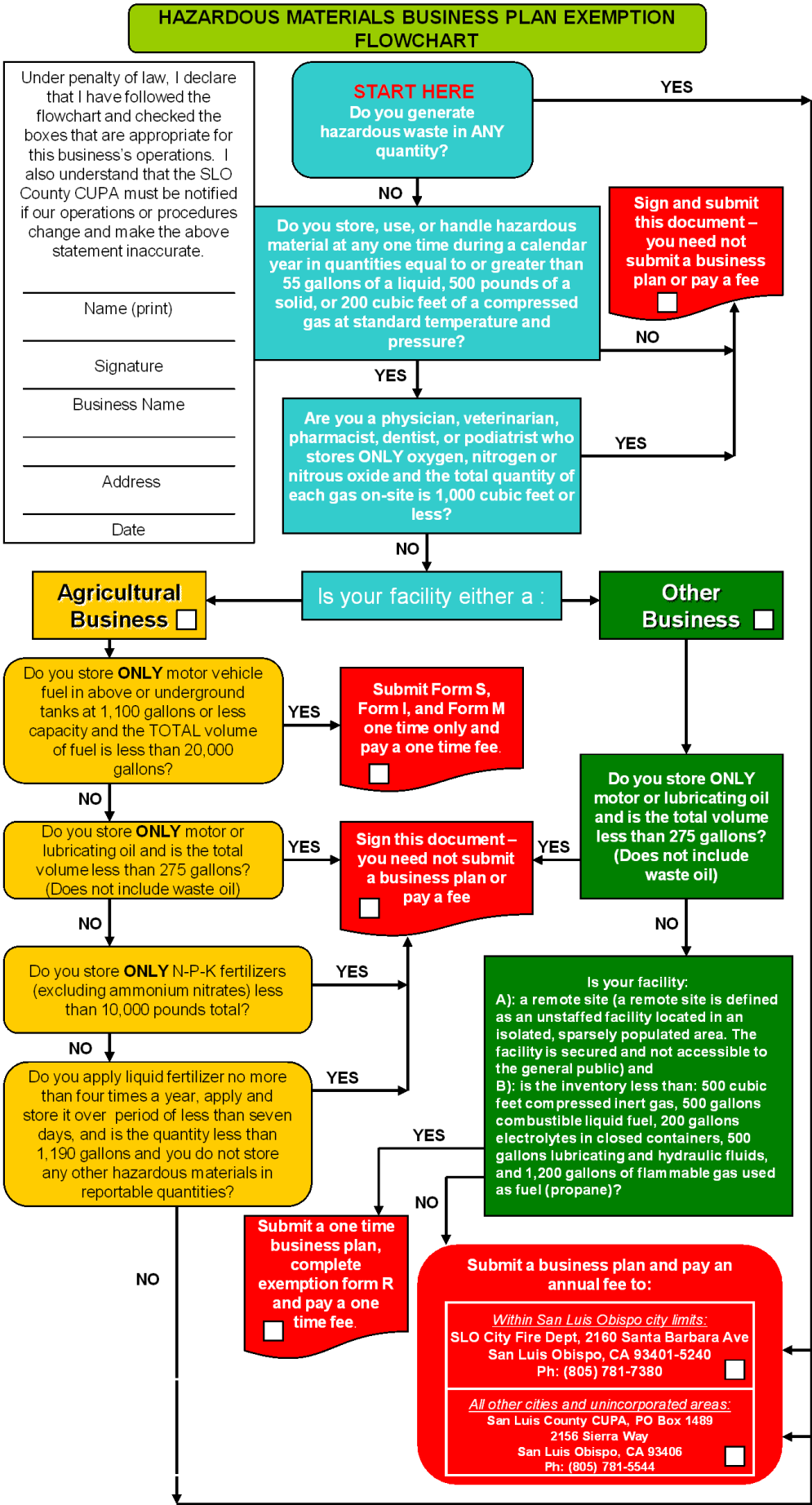
A handwritten signature in blue ink, appearing to be "K. Ghiglia".

RE: DRC2019-00042 Nahail CUP Cannabis Cultivation

Applicant to return attached Hazardous Materials Declaration Flowchart to this office. Be advised that threshold levels are 55 gallons, 500 pounds or 200 cubic feet and common materials include (but are not limited to): fuel, paint, lubricants, pesticides, herbicides, fertilizers, pool chemicals, and compressed gases. Contact Austin Avan at (805)781-1105 or aavan@co.slo.ca.us in this office with any questions regarding this form or hazardous materials requirements. The form should be submitted directly to Austin Avan.

Environmental Health Services

2156 Sierra Way, Suite B | San Luis Obispo, CA 93401 | (P) 805-781-5544 | (F) 805-781-4211
www.slopublichealth.org/ehs



COMMON HAZARDOUS MATERIALS

- Lubricants
- Solvents
- Compressed Gases
- Fuel
- Pesticides
- Paint

COMMON HAZARDOUS WASTES

- Crank Case Oil
- Used Anti-Freeze
- Paint
- Used automotive batteries
- Spent solvents

Not sure?
Please contact The County of San Luis Obispo
Public Health Department
Division of Environmental Health
at
(805) 781-5544

Brandi Cummings

From: Cassidy McSurdy <cmcsurdy@co.slo.ca.us>
Sent: Monday, April 8, 2019 12:54 PM
To: Brandi Cummings; Cassidy Williams; Jameson Honeycutt
Subject: EXTERNAL:FW: [EXT]RE: AB52, NCTC -- DRC2019-00042 NAHAIL

See Below.

Best Regards,

Cassidy McSurdy | Land Use Technician

(p) 805-788-2959 cmcsurdy@co.slo.ca.us

[Website](#) | [Facebook](#) | [Twitter](#) | [Map](#)



COUNTY OF SAN LUIS OBISPO
Planning & Building

From: Fred Collins <fcollins@northernchumash.org>
Sent: Monday, April 08, 2019 6:33 AM
To: Cassidy McSurdy <cmcsurdy@co.slo.ca.us>
Subject: [EXT]RE: AB52, NCTC -- DRC2019-00042 NAHAIL

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Good morning Cassidy,

NCTC would like to see the records search for the property, and or any archaeolgial reports for the property or adjacent.

Thank you,

Fred Collins
NCTC

From: Mail for PL_Referrals Group [<mailto:plreferrals@co.slo.ca.us>]
Sent: Friday, April 5, 2019 4:20 PM
To: fcollins_northernchumash.org
Cc: Cassidy McSurdy
Subject: AB52, NCTC -- DRC2019-00042 NAHAIL

County of San Luis Obispo

Department of Planning & Building

DRC2019-00042 NAHAIL, North County Referral, Minor Use Permit, Templeton
APN: 020-301-010

[Direct Link to NAHAIL Referral Package](#)

Cassidy McSurdy (805-788-2959 or cmcsurdy@co.slo.ca.us)

The deadline for consultation request
May 5, 2019

The County of San Luis Obispo is notifying you of the proposed project listed above. The project application was recently filed with the Planning Department for review and approval. State law under Assembly Bill 52 (Public Resources Code Section 21080.3.1) allows California Native American tribes 30 days to request consultation regarding possible significant effects that implementation of the proposed project may have on tribal cultural resources. The attached letter is your official notification and provides target timelines for the AB 52 Consultation Process.

If you have questions about this project or wish to request consultation, please contact the project manager(s) listed above and provide a designated lead contact person for this consultation



COUNTY OF SAN LUIS OBISPO
Department of Public Works
 Colt Esenwein, P.E., Director

RECOMMENDED CONDITIONS

Date: April 11, 2019 (updated September 14, 2020)
 To: Cassidy McSurdy, Project Planner
 From: David E. Grim, Development Services
Subject: DRC2019-00042 Nahail MUP, Neal Springs Rd., Templeton, APN 020-301-010

Thank you for the opportunity to provide information on the proposed subject project. It has been reviewed by several divisions of Public Works, and this represents our consolidated response.

Public Works Comments:

- A. This response is updated September 14, 2020 to reflect a change in project description.
- B. The project site is located on a private access road off Neal Springs Rd, a County maintained roadway.
- C. The project is expected to generate 6 average daily trips (ADT) with 3.3 afternoon peak hour trips (PHT) based on the following project description:
 - 3 acres outdoor cultivation (2 ADT/AC; 0.6 PHT)
 - 22,000 square feet greenhouse/indoor cultivation (0.27 ADT/KSF; 0.66 PHT)
 - 3,000 processing/multi-use structure (4.96 ADT/KSF; 1.89 PHT)
 - 5,000 nursery/indoor cultivation (0.27 ADT/KSF; 0.15 PHT)
- D. The proposed project is within the Templeton Area B Road Improvement Fee Area. Payment of Road Improvement Fees to mitigate cumulative development impacts is required prior to commencing permitted activities.
- E. The project site access road driveway approach on Neal Springs Road should be reconstructed to current County standards to protect the County public road from edge of pavement damage and minimize tracking soil and rocks onto the roadway surface.
- F. The proposed project is within a drainage review area, the applicant must ensure all proposed site grading and new impervious surfaces are constructed in compliance with the County drainage standards, Chapter 22.52.110 of the Land Use Ordinance and the Public Improvement Standards.
- G. If the project site disturbs 1.0 acre or more the applicant must enroll for coverage under California's Construction General Permit, which may require preparation of a project Stormwater Control Plan even though it is located outside a Stormwater Management Area.
- H. The site is within the Paso groundwater basin and is therefore subject to the Sustainable Groundwater Management Act (SGMA). However, the Groundwater Sustainability Agency responsible for overseeing SGMA compliance has not completed the planning efforts that will define the need for any groundwater mitigation requirements. In the interim, consideration of the project's impacts on the groundwater basin should be included in the project's CEQA analysis.

Recommended Project Conditions of Approval:

Access

1. **Prior to commencing permitted activities**, the applicant shall submit to the Department of Public Works an encroachment permit application, plans, fees, and post a cash damage bond to install improvements within the public right-of-way in accordance with County Public Improvement Standards. The plans are to include:
 - a. Reconstruct the existing Neal Springs Road project site access driveway approach to current B-1a and A-5 standards.
 - b. Except for the primary and secondary access driveways, all other existing property connections to Neal Springs Road shall be removed, scarified, revegetated, and fenced (or otherwise blocked) to prohibit access. The adjacent shoulder shall be restored to County road standards.
2. **Prior to commencing permitted activities**, all work in the public right-of-way must be constructed or reconstructed to the satisfaction of the Public Works Inspector and in accordance with the County Public Improvement Standards; the project conditions of approval, including any related land use permit conditions; and the approved improvement plans.
3. **Prior to commencing permitted activities**, the applicant shall provide evidence to the Department of Planning and Building that onsite circulation and pavement structural sections have been designed and shall be constructed in conformance with Cal Fire standards and specifications back to the nearest public maintained roadway.
4. **On-going condition of approval (valid for the life of the project)**, and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage; landscaping; agricultural operations; etc. without a valid Encroachment Permit issued by the Department of Public Works.

Fees

5. **Prior to commencing permitted activities**, and in accordance with Title 13.01 of the County Code, the applicant must pay to the Department of Public Works the Templeton Area B Road Improvement Fee based on the latest adopted area fee schedule (\$8,462 per peak hour trip) and 3.3 peak hour trips as estimated. The estimated fee is \$27,924 (\$8,462 x 3.3).

The fee schedule is subject to change by resolution of the Board of Supervisors. The applicant shall be responsible for paying the fee in effect at the time of payment.

Drainage

6. **At the time of application for construction permits**, the applicant may be required to submit complete drainage plans for review and approval in accordance with Section 22.52.110 of the Land Use Ordinance.
7. **At the time of application for construction permits**, the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with Section 22.52.120 of the Land Use Ordinance.

Stormwater Pollution Prevention Plan (SWPPP)

8. **At the time of application for construction permits**, if the project disturbs more than 1.0 acre or is part of a common plan of development, the applicant must enroll for coverage under California's Construction General Permit. Sites that disturb less than 1.0 acre must implement all required elements within the site's erosion and sediment control plan as required by San Luis Obispo County Codes.



United States Department of the Interior
U.S. FISH AND WILDLIFE SERVICE
Ecological Services
Ventura Fish and Wildlife Office
2493 Portola Road, Suite B
Ventura, California 93003



IN REPLY REFER TO:
08EVEN00-2020-CPA-0004

November 4, 2019

Eric Hughes
Department of Planning and Building, County of San Luis Obispo
976 Osos Street, Room 300
San Luis Obispo, California 93408

Subject: Comments on the Proposed Conditional Use Permit DRC2019-00042 Nahail

Dear Mr. Hughes:

We have reviewed the Proposed Conditional Use Permit DRC2019-00042 Nahail for 3 acres of cannabis cultivation (Project) to be located at Neal Springs Rd (APN 020-301-010), San Luis Obispo County. We also have reviewed the biological resource assessment for the Project, and we provide the following comments for your consideration.

The mission of the U.S. Fish and Wildlife Service (Service) is working with others to conserve, protect, and enhance fish, wildlife, plants, and their habitats for the continuing benefit of the American people. To assist in meeting this mandate, the Service provides comments on public notices issued for projects that may have an effect on those resources, particularly federally listed plants and wildlife. The Service's responsibilities also include administering the Endangered Species Act of 1973, as amended (Act). The Act prohibits the unpermitted "take" of listed species [16 U.S.C. 1538(a)(1)(B)]. Take is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Harm is further defined by the Service to include significant habitat modification or degradation that results in death or injury to wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering. Such taking may be authorized by the Service in two ways: through interagency consultation for projects with Federal involvement pursuant to section 7, or through the issuance of an incidental take permit under section 10(a)(1)(B) of the Act.

Based on the biological resource report for the Project, the 54.4-acre property appears to be suitable habitat for the federally protected San Joaquin kit fox (*Vulpes macrotis mutica*). The property is comprised of annual grassland, provides a low-density prey base of small mammals, and is situated on soil types and gentle slopes that can support San Joaquin kit fox. The report notes that adjacent properties could provide suitable denning habitat, though denning on the Project property is unlikely. Kit fox home ranges vary from 1-12 mi² (Service 1998, p. 128), and young foxes frequently disperse about 5 miles from their natal home range (Service 1998, p. 126). Thus, it is possible that kit fox use the property and/or Project site for dispersal or foraging.

If San Joaquin kit fox use the property, the Project may cause adverse effects to the kit fox during construction or operation. More information may be needed to anticipate the potential adverse effects to kit fox. We recommend the project proponent provide information to the County and the Service on how long construction of the project will take to complete, including the planned second phase of 22,000 ft² of greenhouse cultivation. The risk that the construction phase will adversely affect kit fox is higher with longer periods of

Eric Hughes

2

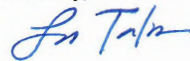
construction. Additionally, we recommend the project proponent provide to the County and the Service an analysis of the potential impacts to kit fox during operations and maintenance of the Project, and describe any best management practices to reduce potential impacts.

We recommend the project proponent implement measures to avoid effects to the species. The biological resource report outlines avoidance measures to reduce the potential impact of the Project to kit foxes (BR-3 through BR-13). We recommend several amendments to these measures to more effectively avoid impacts of the Project to kit fox. Our recommended amendments are indicated below:

- **BR-4 a.)** Pre-activity surveys for San Joaquin kit fox should be conducted within 30 days of the initiation of Project activities, but no less than 14 days prior to initiation of Project activities. This timeline will provide an opportunity to determine what changes may be necessary to avoid affects to kit fox in the event of a positive result. In addition to reporting survey dates, protocol, results and avoidance measures to the County, the project proponent will report results to the U.S. Fish and Wildlife Service's Ventura Office. All other components of BR-4 a. should remain unchanged.
- **BR-4 b.)** The qualified biologist will conduct daily site visits during disturbance activity, regardless of how long the disturbance activities proceed for. All other components of BR-4 b. should remain unchanged.
- **BR-4 c.)** Prior to or during project activities, if any observations are made of San Joaquin kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits or a 200 foot buffer of the project limits, all activities shall halt, and the qualified biologist shall contact the Service and California Department of Fish and Wildlife. These recommendations should replace the first paragraph on BR-4 c.
- **BR-11.** Prior to, during, and after the site-disturbance and/or construction phase, use of pesticides, herbicides, or rodenticides shall be minimized and restricted. This is necessary to prevent primary or secondary poisoning of kit foxes and the depletion of prey populations on which they depend. All uses of such compounds should observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and Federal legislation. If rodent control must be conducted, zinc phosphide should be used because of a proven lower risk to kit fox.

If the project proponent cannot implement all of the avoidance measures in the biological resource assessment, as amended by the Service, the project proponent may need to contact the Service in order to ensure compliance with the Endangered Species Act. Therefore, we recommend that San Luis Obispo County condition approval of the Conditional Use Permit on the full implementation of avoidance measures, as outlined in the biological resource assessment, and as amended by the Service. Thank you for reaching out to the Service for comments on your project. Please contact Danielle Fagre at (805) 677-3339 or by electronic mail at danielle_fagre@fws.gov if you have questions regarding this letter or to arrange a meeting to discuss this issue further.

Sincerely,



Leilani Takano
Assistant Field Supervisor

Attachment 6

Reference

[Service] U.S. Fish and Wildlife Service. 1998. Recovery plan for upland species of the San Joaquin Valley, California. U.S. Fish and Wildlife Service, Portland, Oregon.

**COUNTY OF SAN LUIS OBISPO****DEPARTMENT OF AGRICULTURE / WEIGHTS & MEASURES**

Martin Settevendemie, Agricultural Commissioner / Sealer of Weights & Measures

DATE: July 1, 2020

TO: Cassidy McSurdy, Project Manager

FROM: Lynda L. Auchinachie, Agriculture Department

SUBJECT: Recommendations for Nahail Cannabis Minor Use Permit DRC2019-00042 (3095)

The Agriculture Department has become aware of potential incompatibility issues between cannabis activities and traditional crop production. The proposed outdoor cannabis activities are located proximate to parcels that support wine grape vineyards. These vineyards are known to use pesticides that cannabis is required to be tested for by California law to ensure there are no pesticide residues above the established tolerance levels. The establishment of the proposed project has the potential to cause traditional agricultural operations to cease or curtail their crop production activities near the proposed site because of the state regulations which have imposed pesticide residue thresholds for cannabis which are significantly lower than the residue thresholds allowed for traditional crops.

The Agriculture Element has policies to protect and encourage agricultural operations and conserve agricultural resources. As stated in Section 22.40.020 of the San Luis Obispo County Code, cannabis is not an agricultural commodity with respect to local "right to farm" ordinances nor is it considered "crop production and grazing" as a land use type. In this regard, the County has significant interest in ensuring the continued viability of agricultural operations adjacent and near cannabis cultivation operations. For this reason, the following conditions of approval and finding for project approval are recommended to address the incompatibility issue:

Waiver and Release of Liability – Pesticide Use By Neighboring Agricultural Operations Condition of Approval

The applicant, and their representatives, agents, officers, employees, successors, landlords, tenants, insurers, assigns and any other party claiming a direct or indirect financial, ownership or commercial interest in the project or the cannabis or cannabis products produced or located on the site ("Releasing Parties"), shall, as a condition of approval of this land use permit, release, waive, discharge, hold harmless and covenant not to sue any property owner, property operator/tenant or pest control business, pest control advisor or qualified applicator, including their owners, agents, officers, employees and authorized representatives ("Released Parties"), for any claim, loss or damage to cannabis or cannabis products located on the project site arising out of the

recommendation or application of a registered pesticide on an agricultural commodity located outside the project site by a person or business who holds the required state license or certificate and local Operator Identification Number and, if applicable, Restricted Materials Permit, and who follows required state and local pesticide use reporting and does not grossly depart from industry norms, standards and practices regarding the application of said pesticide. This condition does not extend to any loss or damage caused by the gross negligence or willful misconduct of a Released Party, or a violation of Food and Agricultural Code Section 12972 verified by the County Agricultural Commissioner. This condition expressly extends to any statutory violations, except as set forth herein, including but not limited to actual or alleged violations of Food and Agricultural Code Section 12973, so long as the violations are not caused by the gross negligence or willful misconduct of a Released Party. Approval of this land use permit, as a land use decision, is a quasi-judicial action regulatory in nature involving the application of preexisting laws or standards to a specific project and does not involve negotiated consideration by both the County and the application, unlike a development agreement (see 78 Ops.Cal.Atty.Gen. 230), and therefore is not subject to the limitations of Civil Code section 1668 because this land use decision is not contractual in nature. This condition of approval shall have no impact on the enforcement or application of State pesticide laws and regulations by state or local agencies, including but not limited to licensing and certification requirements, pesticide use reporting and operator identification numbers, pesticide use enforcement inspections and investigations, issuance of cease and desist orders, initiation of administrative or criminal enforcement actions, and imposition of administrative, civil and criminal penalties.

Finding for Project Approval

It is the declared policy of this County under Chapter 5.16 of the San Luis Obispo County Code and the County Agriculture Element to protect and encourage agricultural operations and conserve agricultural resources. Pursuant to Section 22.40.020 of the San Luis Obispo County Code, cannabis is not an agricultural commodity with respect to local "right to farm" ordinances nor is it considered "crop production and grazing" as a land use type. In this regard, the County has significant interest in ensuring the continued viability of agricultural operations adjacent and near cannabis cultivation operations. The County acknowledges that the establishment of the proposed project has the potential to cause traditional agricultural operations to cease or curtail their crop production activities near the proposed site because of state regulations which have imposed pesticide residue thresholds for cannabis which are significantly lower than the residue thresholds allowed for traditional agricultural crops. More specifically, the County has received substantial evidence indicating pesticide applicators would refuse to serve an agricultural operation if a cannabis site is permitted in close proximity to the agricultural operation because fear of potential crippling liability should a nearby cannabis operation be able to allege their cannabis has been

made unmarketable by an offsite pesticide application, even if the levels of pesticide residue on the cannabis would otherwise be well within the amounts allowed for traditional agricultural food crops, like citrus, avocado, vineyards, vegetables and strawberries. The County has received reports in other jurisdictions, such as the County of Santa Barbara, of agricultural operations curtailing activities because of nearby cannabis operations, as well as lawsuits being filed by cannabis operations against nearby traditional agricultural operations and pesticide applicators related to cannabis allegedly made unmarketable by pesticide applications in nearby traditional agricultural fields. In accordance with the rights afforded to the County by Article XI, section 7 of the California Constitution, and in order to adequately protect agricultural operations and conserve agricultural resources within the County, the imposition and enforceability of the condition of approval requiring the applicant to release, waive, discharge, hold harmless and covenant not to sue for any claim, loss or damage to cannabis or cannabis products related to an offsite pesticide application, as set forth within the condition of approval, is a condition to the issuance of the land use permit and making the findings required to approve this land use permit under County Code, specifically, the findings required by Sections 22.62.050.C.1 and 22.62.060.C.4c and d. If any clause or provision of this condition of approval is asserted by Releasing Party to be illegal, invalid or unenforceable, or is determined by a court of competent jurisdiction to be illegal, invalid, or unenforceable under present or future laws and the applicant does not provide or agree to adequate alternatives, this land use permit may be deemed void ab initio and there would be no vested rights to commence or continue cannabis activities on the site. If you have any questions, please call me at 805.781.5914.



CAL FIRE
San Luis Obispo
County Fire Department

635 N. Santa Rosa • San Luis Obispo, CA 93405
 Phone: 805.543.4244 • Fax: 805.543.4248
 www.calfireslo.org

TO:	Planning Department – Eric Hughes	DATE:	9/8/2020
FROM:	Dell Wells Captain / Deputy Fire Marshal San Luis Obispo County Fire		
Project:	DRC2018-00042	APN:	020-301-010

The San Luis Obispo County Fire Marshal's Office has reviewed the submittal package for the above proposed project. Phased cannabis cultivation. Phase 1 is a 3-acre outdoor grow. Phase 2 includes 7 greenhouses 3,000 sq. ft. each with additional outdoor growing and a steel building for processing and offices. Project will be located at . The Fire Marshal approves as submitted and requires the following conditions to be incorporated as part of permit issuance.

Phase 1

- A) All construction plans and use of the facility shall comply with all applicable standards, regulations, codes and ordinances at time of Building Permit issuance (2019 CA Fire Code, CA State Title 14, San Luis Obispo County Title 16).
- B) Access road will meet 12 feet wide to outdoor grow. County Code Title 16 special Purpose Way. A turnaround will be required at location before gate to property. Turnaround will meet County Fire Standards.

Phase 2

1. All construction plans and use of the facility shall comply with all applicable standards, regulations, codes and ordinances at time of Building Permit issuance (2019 CA Fire Code, CA State Title 14, San Luis Obispo County Title 16).
2. Occupancy will not be granted until all fire department fire and life safety items have been installed, tested and finished.
3. A registered Fire Protection Engineer is required to provide a written technical analysis of the fire protection requirements. **Analysis will include water storage required for existing and new buildings NFPA 1142, hazard class for buildings NFPA 13, water**

based fire protection system and alarms required per C.F.C. Chapter 9 and any related fire / life safety requirements.

4. Projects shall have an approved water supply for fire protection be made available as soon as combustible material arrives on the site. All underground fire lines, pump and tank plans are required to be a separate submittal from the building or civil plans.
5. Submittals required for Underground Fire Lines, Fire Pump, Automatic Fire Sprinklers, Fire Alarm Systems, High Piled Storage (any combustible stored over 12 feet in height).
6. All buildings, facilities, and developments shall be accessible to fire department apparatus by way of approved access roadways. The fire access road shall comply with the requirements of CA Title 14 and San Luis Obispo County Title 16.
7. Access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced to provide all-weather driving capabilities. Provide an engineered analysis of the proposed roadway noting its ability to support apparatus weighing 75,000 lbs. (commercial)
8. Provide fire department access roads to within 150 feet of any exterior portion of the buildings as measured by an approved route around the exterior of the building or facility.
9. Roadways shall be a minimum of 20 feet in width with 2-foot shoulders and 13-foot 6-inch vertical clearance.
10. Turnarounds are required on driveways and dead end roadways.
11. Grades for all roadways and driveways shall not exceed 16 percent. Over 16 percent up to 20 percent require approval. No grades over 20 percent will be approved.
12. Roadway radius shall not have a radius of less than 50 feet and additional surface width of 4 feet shall be added to curves of 50-100 feet radius and 2 feet to curves of 100-200 feet radius.
13. Gates for driveways and/or roadways shall comply with the CA Fire Safe Regulations.
14. Commercial - Water storage (for buildings not served by a public water system) and fire flow calculations shall be provided by a Certified State Licensed Civil Engineer, C-16 licensed contractor, or registered engineer indicating compliance with CFC Appendix B.
15. Commercial - Approved hydrants shall be installed based in accordance with requirements in CFC appendix B. NFPA 1142 can be referenced for rural water supply. Private fire service mains shall be installed, tested and maintained per NFPA 24 2016 edition.

16. Commercial - Fire Department Connections (FDC) for automatic sprinkler systems shall be located fully visible and recognizable from the street or fire apparatus access roads. FDC shall be located within 50 feet of an approved fire hydrant.
17. Commercial - The minimum main size of all fire hydrants shall be 6 inches in diameter. Piping shall be installed with C-900 class 200 piping or ductile iron or equivalent per NFPA 24, 2016 edition for the installation of Underground Fire Protection Mains.
18. An automatic fire sprinkler system shall be installed in accordance with provisions set forth in the California Fire Code as amended by the San Luis Obispo amendments and the applicable National Fire Protection Association Standard. Automatic fire sprinkler systems shall be designed by a fire protection engineer or C-16 licensed contractor.
19. All buildings shall comply with California Fire Code, Chapter 10 Means of Egress requirements. Including but not limited to; exit signs, exit doors, exit hardware and exit illumination.
20. Provide 100 feet of defensible space around all structures.
21. Provide 10 feet of defensible space fire hazard reduction on both sides of all roadways of the facility.

Please note that the comments noted above are based on a Fire Marshal review only. There may be additional comments or information requested from other County Departments or Divisions reviewing this application submittal package. Should you have any questions, contact me at (805)593-3427 or email at dell.wells@fire.ca.gov



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING
Initial Study – Environmental Checklist

PLN-2039

04/2019

Project Title & No. Copper Creek Farms LLC Minor Use Permit ED20-082 DRC2019-00042

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The proposed project could have a "Potentially Significant Impact" for environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

<input checked="" type="checkbox"/> Aesthetics	<input checked="" type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Public Services
<input type="checkbox"/> Agriculture & Forestry Resources	<input type="checkbox"/> Hazards & Hazardous Materials	<input type="checkbox"/> Recreation
<input checked="" type="checkbox"/> Air Quality	<input checked="" type="checkbox"/> Hydrology & Water Quality	<input type="checkbox"/> Transportation
<input checked="" type="checkbox"/> Biological Resources	<input checked="" type="checkbox"/> Land Use & Planning	<input type="checkbox"/> Tribal Cultural Resources
<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Mineral Resources	<input checked="" type="checkbox"/> Utilities & Service Systems
<input checked="" type="checkbox"/> Energy	<input type="checkbox"/> Noise	<input type="checkbox"/> Wildfire
<input type="checkbox"/> Geology & Soils	<input type="checkbox"/> Population & Housing	<input checked="" type="checkbox"/> Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

- ☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Brandi Cummings, SWCA
Environmental Consultants

Prepared by (Print)

Signature

Brandi Cummings

September 17, 2020

July 8, 2020

Date

Dave Moran

Reviewed by (Print)

Signature

Dave Moran

For Xzandrea Fowler,
Environmental Coordinator

9/18/2020

Date



Negative Declaration & Notice of Determination

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING
976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

ENVIRONMENTAL DETERMINATION NO. ED Number 20-082

DATE: July 10, 2020

PROJECT/ENTITLEMENT: Copper Creek Farms Minor Use Permit; DRC2019-00042

APPLICANT NAME: Copper Creek Farms
Email: nahiallandscaping@yahoo.com
ADDRESS: PO Box 1766, Templeton, CA 93465

CONTACT PERSON: Jeff Nahial

Telephone: 805-712-4743

PROPOSED USES/INTENT: The proposed project is a request by **Copper Creek Farms, LLC** for a Minor Use Permit (DRC2019-00042) to establish to establish a phased cannabis cultivation operation including outdoor cannabis cultivation, indoor mixed-light cannabis cultivation, ancillary cannabis nursery, ancillary cannabis processing, and ancillary cannabis transport activities on a portion of a 54-acre parcel. The proposed project would result in the disturbance of approximately 5.7 acres and would result in less than 50 cubic yards of grading. The project would be developed in two phases and at full-buildout would include approximately 3.0 acres (130,680 square-feet [sf]) of outdoor mature cannabis cultivation canopy, a maximum of 22,000 square-feet of indoor mixed-light cannabis cultivation canopy, up to 5,000 sf of immature cannabis cultivation canopy (nursery) for use only onsite, and processing (trimming, drying, packaging) of the cannabis grown and harvested onsite.

LOCATION: The project site is located on the north side of Neal Spring Road, approximately 2.5 miles east of the Templeton Urban Reserve Line. The project site is in the Agriculture land use category and in the El Pomar-Estrella Sub-Area of the North County Planning Area.

LEAD AGENCY: County of San Luis Obispo
Dept of Planning & Building
976 Osos Street, Rm. 200
San Luis Obispo, CA 93408-2040
Website: <http://www.sloplanning.org>

STATE CLEARINGHOUSE REVIEW: YES ☒ NO ☐

OTHER POTENTIAL PERMITTING AGENCIES: Air Pollution Control District
California Department of Fish and Wildlife, California Department of Food and Agriculture

ADDITIONAL INFORMATION: Additional information pertaining to this Environmental Determination may be obtained by contacting the above Lead Agency address or (805)781-5600.

COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT 4:30 p.m. (2 wks from above DATE)

30-DAY PUBLIC REVIEW PERIOD begins at the time of public notification

Notice of Determination

State Clearinghouse No. 2020040333

This is to advise that the San Luis Obispo County Department of Planning and Building as ☒ *Lead Agency* ☐ *Responsible Agency* approved/denied the above described project on _____, and has made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures and monitoring were made a condition of approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at the 'Lead Agency' address above.

Eric Hughes (ehughes@co.slo.ca.us),

County of San Luis Obispo

Signature

Project Manager Name

Date

Public Agency

Initial Study – Environmental Checklist

Project Environmental Analysis

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The County Planning Department uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Planning Department, 976 Osos Street, Rm. 200, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. Project

DESCRIPTION: The proposed project is a request by **Copper Creek Farms, LLC** for a Minor Use Permit (DRC2019-00042) to establish a phased cannabis cultivation operation including outdoor cannabis cultivation, indoor mixed-light cannabis cultivation, ancillary cannabis nursery, ancillary cannabis processing, and ancillary cannabis transport activities on a portion of a 54-acre parcel. The proposed project would result in the disturbance of approximately 5.7 acres and would result in less than 50 cubic yards of grading. The project would be developed in two phases and at full-buildout would include approximately 3.0 acres (130,680 square-feet [sf]) of outdoor mature cannabis cultivation canopy, a maximum of 22,000 square-feet of indoor mixed-light cannabis cultivation canopy, up to 5,000 sf of immature cannabis cultivation canopy (nursery) for use only onsite, and processing (trimming, drying, packaging) of the cannabis grown and harvested onsite. The project site is located on the north side of Neal Spring Road, approximately 2.5 miles east of the Templeton Urban Reserve Line. The project site is in the Agriculture land use category and in the El Pomar-Estrella Sub-Area of the North County Planning Area.

The project would be located within the center portion of the 54-acre property (Figure 2). Access to the cannabis operation would occur via an existing graded dirt driveway that connects to the property entrance via an access easement across the east side of 2210 Neal Spring Road. The access driveway would be maintained with a Class II base (crushed aggregate).

The proposed cultivation activities would be implemented in two phases as described below and summarized in Table 1. Phase 1 will include the establishment of 3 acres of outdoor cultivation canopy including 0.75 acres of walkway area within a 3.75 acre cannabis cultivation area, along with site security improvements. The cultivation area would be located in an existing plowed field near the center of the property that is currently and has historically been used to grow grain crops. The cultivation area will be planted in furrows covered with plastic to retain soil moisture and be located within temporary hoop structures. Two 320 sf shipping containers ("seatrains") would be installed near the west part of the operation for ancillary processing activities (drying, trimming, packaging) of the cannabis grown on site. New irrigation lines would be extended from existing irrigation lines that connect to an existing 5,000-gallon water tank to the north of the property near the well. Two new 5,000-gallon water tanks would be installed to serve the cultivation operation, including one for irrigation and one for fire suppression purposes. No grading or vegetation removal would

Initial Study – Environmental Checklist

be required to implement Phase 1. A six-foot-six-inch-high welded pipe and chain-link fence with privacy slats would be erected around the perimeter of the operation, including the areas proposed with Phase 2. Temporary restroom facilities (port-a-potties) and wash trailers would be provided inside the fenced cannabis operation area. A designated parking area would be located at the east end of the cultivation area, outside the fencing, on an existing graded area. The parking area would be covered with compacted base material. No electricity would be installed for Phase 1, and security cameras would run off individual solar panels.

Phase 2 would include the construction of seven (7) 3,000-sf greenhouses for indoor-mixed-light cultivation and a 5,000-sf greenhouse to be used for ancillary nursery activities. The two 320-sf shipping containers would be removed, and a 3,000-sf pre-manufactured metal building would be installed to house the processing activities. Overhead electrical service would be installed to the greenhouses and processing building via an existing PG&E easement to the west of the property. Minimal grading of less than 50 cubic yards would be required to provide vehicle access around the facilities. The greenhouses and processing building would be built on-grade and not require grading.

Table 1. Proposed Project Phases.

Phase	Project Components
Phase 1	Establishment of 3.0 acres of outdoor cannabis cultivation canopy
	Installation of two new 320-sf shipping containers ("seatrains") for temporary processing of cannabis grown onsite
	Installation of new irrigation lines
	Installation of new 6-foot fencing around the cannabis operation
	Installation of solar-powered security cameras
	Erection of temporary restroom facilities and wash trailers
Phase 2	Construction of seven new 3,000 square feet greenhouses for indoor mixed-light cannabis cultivation (21,000 square feet total)
	Construction of one new 5,000 square foot greenhouse for ancillary nursery cultivation
	Removal of the two 320-sf shipping containers and construction of a new 3,000 square-foot metal building for ancillary processing activities

The project construction period for Phase 2 would be approximately 6 months. The project would employ up to 2 full-time employees, with an average of 2 employees on site each day, and the hours of operation would be from sunrise to sunset, seven days a week. During peak harvest times, the operation could employ up to 10 additional part-time/temporary employees. The outdoor cultivation area would be harvested two times per year and the indoor mixed-light cultivation area would be harvested three times per year. The proposed ancillary nursery would be utilized to support onsite cannabis cultivation only and would not be distributed offsite. The project is expected to generate a maximum of 8 ~~33~~ daily trips including up to 3.3 ~~10.7~~ vehicle trips during the PM peak hour (4:00 PM – 6:00 PM). The project would not include sales on-site and no exterior

Initial Study – Environmental Checklist

signage is proposed.

To prevent nuisance odors from being detected off-site, the proposed outdoor cultivation area would be located a minimum of 300 feet from the property lines of the site and public right-of-way in accordance with County of San Luis Obispo (County) Land Use Ordinance (LUO) Section 22.40.050.D.3.b. In addition, each of the proposed greenhouses and the proposed processing building would be equipped with carbon scrubbers in accordance with LUO Section 22.40.050.D.8.

The property is located within the Paso Robles Groundwater Basin and is located in the Area of Sever Decline. The project would utilize an existing well located on the property and install a new 5,000-gallon water storage tank on-site. The project would result in approximately 2,157,480 ~~898,488~~ gallons (5.28 ~~2.76~~-acre-feet) of water demand annually. The subject property is not currently under a Williamson Act contract.

Ordinance Modification: The project includes a request for a modification from the parking provisions set forth in Section 22.18.050.C.1 of the County Land Use Ordinance (LUO). The type of use that is most similar to the proposed cannabis cultivation is "Nursery Specialties" With a parking requirement of one parking space per 500 square feet of floor area. The proposed greenhouse would total approximately 5,000 square feet; application of this parking standard, would require the applicant to provide 10 parking spaces. The project proposes 3 parking spaces (including 1 ADA space), and additional room for parking is available adjacent to the access driveway. An additional ADA space will be required adjacent to the processing building. Up to 2 employees may be on site at any time during a regular day, and additional area along the driveway would be available for seasonal workers; therefore, the 3 permanent spaces proposed are sufficient to meet the parking demands of the project.

Baseline Conditions. The project site is primarily undeveloped and currently contains two storage containers. The property is currently utilized for grain production and applications have been submitted for new residential structures. On-site vegetation generally consists of non-native grassland and several mature valley oak trees.

Surrounding land uses include active agricultural crops (vineyards) and scattered rural residential dwellings (Figure 2). A blue line creek is mapped through the property from the east and continues west and south and is located outside the project area of disturbance.

ASSESSOR PARCEL NUMBER(S): 020-301-010

Latitude: ° ' " N

Longitude: ° ' " W

SUPERVISORIAL DISTRICT # 1

Other Public Agencies Whose Approval is Required

Permit Type/Action	Agency
State Cultivation Licenses	California Department of Food and Agriculture – CalCannabis
Written Agreement Regarding No Need for Lake and Streambed Alterations (LSA)	California Department of Fish and Wildlife
Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities, Order No. WQ-2017-0023-DWQ (General Order)	Regional Water Quality Control Board (RWQCB)
Safety Plan Approval and Final Inspection	California Department of Forestry and Fire Protection (CAL FIRE)

Initial Study – Environmental Checklist

A more detailed discussion of other agency approvals and licensing requirements is provided in Exhibit B of this Initial Study.

B. Existing Setting

Plan Area: North County **Sub:** El Pomar/Estrella **Comm:** Rural

Land Use Category: Agriculture

Combining Designation: None

Parcel Size: 54 acres

Topography: Gently rolling

Vegetation: Grasses Scattered Oaks

Existing Uses: undeveloped

Surrounding Land Use Categories and Uses:

North: Agriculture; agricultural uses
single-family residence(s)

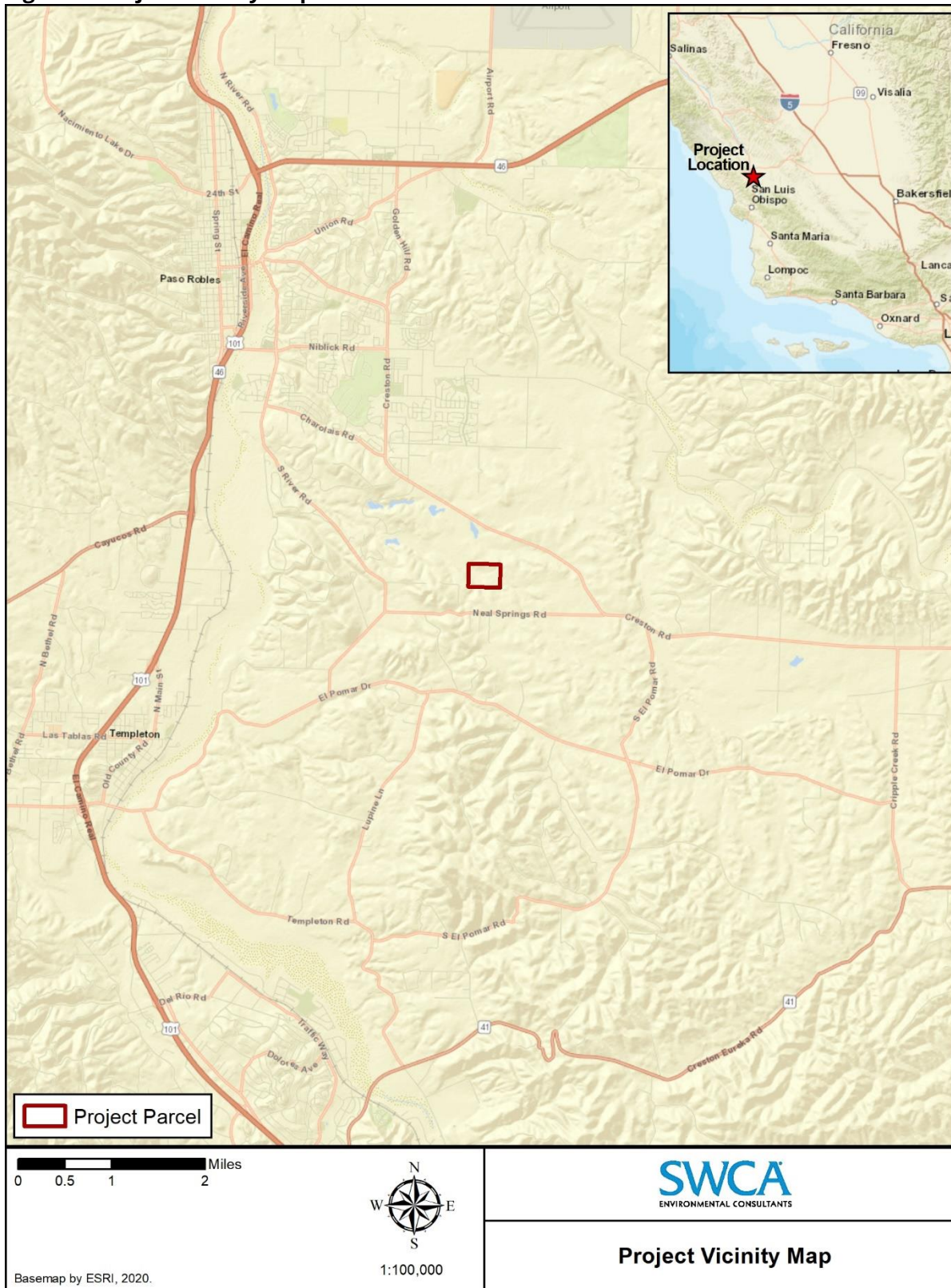
East: Residential Rural; single-family residence(s)
agricultural uses blue line creek

South: Agriculture; agricultural uses
accessory structures single-family residence(s)

West: Agriculture; blue line creek
single-family residence(s) blue line creek

Initial Study – Environmental Checklist

Figure 1. Project Vicinity Map



Initial Study – Environmental Checklist

Figure 2. Existing Conditions Map



Initial Study – Environmental Checklist

Figure 3. Proposed Site Plan



Initial Study – Environmental Checklist

C. Environmental Analysis

The Initial Study Checklist provides detailed information about the environmental impacts of the proposed project and mitigation measures to lessen the impacts.

I. AESTHETICS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Except as provided in Public Resources Code Section 21099, would the project:</i>				
(a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting

The project site is located on a portion of a 54-acre parcel along Neal Spring Road approximately 2.5 mile east of the community of Templeton. The property contains two shipping containers and previously was used for grain crop production (Figure 2). On-site vegetation generally consists of non-native grassland and several mature valley oak trees.

The visual character of the project vicinity is characterized by agricultural land uses including vineyards, grazing, and equestrian uses, with scattered rural residences, agricultural accessory structures, and mature oak trees. Topography of the area varies from nearly flat fields to rolling hills. Neal Spring Road is a local road that connects to El Pomar Drive to the south and Creston Road to the east, both of which are major collectors for both residential and agricultural lands located east of Templeton. Although neither Neal Spring Road, El Pomar Drive, or Creston Road have an official scenic designation, these roadways offer high-quality views of rural agricultural landscapes and experience a large number of daily viewers. Based on the most recent traffic

Initial Study – Environmental Checklist

counts of Templeton roadways, Neal Spring Road experienced 367 trips per day in 2016 (County of San Luis Obispo 2018).

The Conservation and Open Space Element (COSE) of the County of San Luis Obispo General Plan identifies several goals for visual resources in rural parts of the county, listed below:

- **Goal VR 1:** The natural and agricultural landscape will continue to be the dominant view in rural parts of the county.
- **Goal VR 2:** The natural and historic character and identity of rural areas will be preserved.
- **Goal VR 3:** The visual identities of communities will be preserved by maintaining rural separation between them.
- **Goal VR 7:** Views of the night sky and its constellation of stars will be maintained.

Some of the strategies identified to accomplish the goals listed above include encouraging project designs that emphasize native vegetation and conforming grading to existing natural forms, as well as ensuring that new development follows the Countywide Design Guidelines to protect rural visual and historical character.

The Countywide Design Guidelines identify objectives for both urban and rural development. Rural area guidelines applicable to the project include the following:

- **Objective RU-5:** Fences and screening should reflect an area's rural quality.
- **Objective RU-7:** Landscaping should be consistent with the type of plants naturally occurring in the County and should limit the need for irrigation.

It should also be noted that the Inland Land Use Ordinance details standards for exterior lighting (LUO Section 22.10.060); however, these standards do not apply to uses established within the Agriculture land use category.

On January 16, 2019, the Office of Administrative Law (OAL) approved the California Department of Food and Agriculture's (CDFA's) cannabis cultivation regulations and the regulations went into effect immediately. These regulations have been set forth in California Code of Regulations (CCR) Title 3, Division 8, Chapter 1 Article 4 and include general environmental protection measures for cannabis cultivation projects, including standards related to aesthetic resources. Section 8304 (c) states, "all outdoor lighting used for security purposes shall be shielded and downward facing." Section 8304 (g) states, "mixed-light license types of all tiers and sizes shall ensure that lights used for cultivation are shielded from sunset to sunrise to avoid nighttime glare."

Discussion

(a) *Have a substantial adverse effect on a scenic vista?*

The project site is located in a rural area accessed off of Neal Spring Road, which serves as the primary public key viewing area of the project site. For the purposes of determining significance under CEQA, a scenic vista is defined as a viewpoint that provides expansive views of a highly valued landscape for the benefit of the general public.

While the project vicinity has high scenic value and an appealing rural and agricultural character, it is not considered a scenic vista as it does not offer expansive views of a highly valued landscape and is not officially or unofficially designated as a scenic vista. Therefore, the project would not result in a substantial adverse effect on a scenic vista, and *no impacts would occur*.

Initial Study – Environmental Checklist

- (b) *Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?*

The project site is not located along nor visible from a designated state scenic highway or eligible state scenic highway. Therefore, the project would not result in substantial damage to scenic resources within a state scenic highway, and *no impacts would occur*.

- (c) *In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?*

The project is in a non-urbanized area and would introduce new structural components that would result in a permanent noticeable change in the physical characteristics of the existing environment. While greenhouses are generally agricultural in nature, there are no existing greenhouses within the general project viewshed. Similarly, the project is proposing long linear planes of chain-linked fencing, as required by LUO requirements for security purposes, while most fencing in the project vicinity consists of barbed wire fencing or horizontal horse fencing with large gaps that are largely transparent. However, the project's proposed structural components would not have the potential to degrade public views of the open rural agricultural site and area as seen from nearby roadways because:

- The project site is located on an interior parcel that does not front on a public road;
- Components of the project will be screened from public view (Neal Springs Road) by to the intervening topography.

- (d) *Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?*

The project includes mixed-light cultivation, which includes cultivation techniques such as light deprivation and artificial light simulation. During this process, grow lights may be used in the evenings and nighttime within the proposed greenhouses to simulate artificial daylight. The project includes the use of shading and black-out screening within each greenhouse to reduce visibility of night lighting from off-site. In addition, the project includes use of exterior security lighting. Mitigation measure AES-1 has been identified to require a light pollution prevention plan that conforms to the County's exterior lighting standards (LUO Section 22.10.060), which requires techniques to properly shield and blackout facilities that may employ artificial lighting techniques during nighttime hours, and requires all external security lighting to be motion-activated only. Through use of black-out screening material within each greenhouse and implementation of measure AES-1, the project's overall cumulative impacts associated with lighting would be reduced to less than significant. In addition, implementation of this measure would ensure compliance with applicable state standards set forth in the CCR associated with shielding of security lighting and mixed-light cultivation uses. Therefore, impacts relating to nighttime lighting and glare would be *less than significant with mitigation*.

Conclusion

The project has the potential to result in visual impacts to the visual character or quality of public views of the site and its surroundings and nighttime views. Mitigation measure AES-1 has been identified to require implementation of a light pollution prevention plan to reduce potentially significant impacts to a less than significant level and to be consistent with County visual resource protection standards and design guidelines.

Initial Study – Environmental Checklist

Upon implementation of mitigation measures identified below, impacts to aesthetics would be *less than significant*.

Mitigation

AES-1 **Nighttime lighting. Prior to issuance of construction permits**, the applicant shall submit a light pollution prevention plan (LPPP) to the County Department of Planning and Building for review and approval that incorporates the following measures to reduce impacts related to night lighting:

- a. Prevent all interior lighting from being detected outside the facilities between the period of 1 hour before dusk and 1 hour after dawn;
- b. All facilities employing artificial lighting techniques shall include shielding and/or blackout tarps that are engaged between the period of 1 hour before dusk and 1 hour after dawn and prevent any and all light from escaping;
- c. All exterior lighting shall conform to LUO Section 22.10.060, be located and designed to be motion activated, and be directed downward and to the interior of the site to avoid the light source from being visible off-site. All exterior lighting shall be “warm-white” or filtered (correlated color temperature of < 3,000 Kelvin; scotopic/photopic ratio of < 1.2) to minimize blue emissions; and
- d. Any exterior lighting used for security purposes shall be motion activated, be located and designed to be motion activated, and be directed downward and to the interior of the site to avoid the light source from being visible off-site, and shall be of the lowest-lumen necessary to address security issues.

II. AGRICULTURE AND FORESTRY RESOURCES

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| (a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Initial Study – Environmental Checklist

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The California Department of Conservation (CDOC) Farmland Mapping and Monitoring Program (FMMP) produces maps and statistical data used for analyzing impacts on California's agricultural resources. Agricultural land is rated according to soil quality and current land use. For environmental review purposes under CEQA, the FMMP categories of Prime Farmland, Farmland of Statewide Importance, Unique Farmland, Farmland of Local Importance, and Grazing Land are considered "agricultural land." Other non-agricultural designations include Urban and Built-up Land, Other Land, and Water. Based on the FMMP, soils at the project site are classified as Farmland of Local Importance.

Chapter 6 of the County COSE identifies resource management goals, policies, and strategies to protect agricultural soils from conversion to urban and residential uses. Important Agricultural Soils within the County are identified in Table SL-2 of the COSE and Policy SL 3.1 states that proposed conversion of agricultural lands to non-agricultural uses shall be evaluated using the applicable policies in the COSE and Agricultural Element.

Soils within the project disturbance area are described in detail below:

159. Lockwood-Conception Complex, 2-9 percent slopes. This soil unit underlies the entire proposed project development area. This unit consists of approximately 50% Lockwood soils and 30% Conception soils, and the rest is soils of minor extent. The Lockwood soils are well-drained and the Conception soils are moderately well-drained. This soil unit has moderate erodibility, moderate to high shrink-swell potential, and low strength. This unit is suited to cultivated crops, rangeland, and open space wildlife habitat but is also used for urban land in a few areas. This soil is designated as

Initial Study – Environmental Checklist

Farmland of Statewide Importance by the COSE Table SL-2 – Important Agricultural Soils of San Luis Obispo County.

160. Lockwood-Concepcion complex, 9 to 15 percent slopes. This complex consists of rolling soils on terraces. This complex is very deep, moderately well to well drained, and has very slow to moderately slow permeability. The complex also has medium runoff potential and moderate erodibility. Main uses include cultivated crops and urban land. Soil erosion can be controlled by cultivating across the slope, maintaining crop residue on or near the surface during periods of rain, and by using crop rotation. This complex has moderate to high shrink-swell potential. This soil is classified as Not prime farmland by the NRCS and has a CA Storie Index of Grade 2 – Good.

152. Linne-Calodo complex, 9 to 30 percent slopes. This complex consists of shallow to moderately deep, well drained, moderately steep soils on hills with moderately slow permeability, rapid surface runoff potential, and high erodibility. The major uses include cultivated crops, rangeland, and urban land. Management considerations include paying special attention to runoff, erosion, and compaction. Excessive slope, slow absorption of effluent, and limited depth to rock severely limit these soils for use as septic tank absorption fields. This soil is classified as Not Prime Farmland by the NRCS. This soil has a CA Storie Index Rating of Grade 1 – Excellent.

179. Nacimiento-Los Osos complex, 9 to 30 percent slopes. This complex consists of moderately steep soils on hills. The complex is moderately deep, well drained, slow to moderately slow permeability, rapid surface runoff and high erodibility. The complex has a high shrink-swell potential. The major use includes rangeland. Management considerations include paying special attention to erosion and surface compaction. Maintaining adequate crop residue on the soil surface helps control erosion. This soil is classified as Not Prime Farmland by the NRCS. This soil is not applicable for Storie Index.

The Land Conservation Act of 1965, commonly referred to as the Williamson Act, enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agriculture or related open space use. In return, landowners receive property tax assessments which are much lower than normal because they are based upon farming and open space uses as opposed to full market value. The project site is not a land conservation contract.

According to California Public Resources Code (PRC) Section 12220(g), forest land is defined as land that can support 10% native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits. Timberland is defined as land, other than land owned by the federal government and land designated by the State Board of Forestry and Fire Protection as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees. The project site does not support any forest land or timberland.

Discussion

- (a) *Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?*

Soils of the project site are classified as Farmland of Local Importance by the FMMP and are not classified as Important Agricultural Soils of San Luis Obispo County by the Conservation and Open Space Element Table SL-2. The project site does not contain Prime Farmland, Unique Farmland, or Farmland of Statewide Importance and therefore there would be *no impact*.

Initial Study – Environmental Checklist

(b) *Conflict with existing zoning for agricultural use, or a Williamson Act contract?*

The subject property is located within the Agriculture land use designation and cannabis cultivation activities including the proposed outdoor cultivation, indoor cultivation, and processing activities are allowed uses within this land use designation (LUO Section 22.06.030).

The subject property is not under a Land Conservation Act contract. Therefore, the project would not result in a conflict with existing zoning for agricultural use or Williamson Act contract and impacts would be *less than significant*.

(c) *Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?*

The project site does not include land use designations or zoning for forest land or timberland; *no impacts would occur*.

(d) *Result in the loss of forest land or conversion of forest land to non-forest use?*

No tree removal is proposed as a part of the project. The project site does not support forest land or timberland as defined by the California PRC/Government Code and would not result in the loss or conversion of these lands to non-forest use; *no impacts would occur*.

(e) *Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?*

The project site is generally surrounded by active agricultural operations including vineyards, dry farming, and grazing. Surrounding agricultural uses could be temporarily affected by noise and dust generated during the construction phase of the project. These impacts would be temporary in nature and would not result in the direct impairment or conversion of agricultural land to other uses.

In addition, the project was reviewed by the County Department of Agriculture for ordinance and policy consistency as well as potential impacts to on- and off-site agricultural resources and operations; no impacts were identified. The project is not located within or adjacent to forest land. Therefore, the project would not result in other changes that could result in conversion of Farmland to non-agricultural use or forest land to non-forest use, and impacts would be *less than significant*.

Conclusion

No significant impacts to agricultural resources would occur. No mitigation measures are necessary.

Mitigation

None necessary.

Initial Study – Environmental Checklist

III. AIR QUALITY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:</i>				
(a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

*Setting**San Luis Obispo County Clean Air Plan*

The San Luis Obispo County Air Pollution Control District (SLOAPCD) San Luis Obispo County 2001 Clean Air Plan (CAP) is a comprehensive planning document intended to evaluate long-term air pollutant emissions and cumulative effects and provide guidance to the SLOAPCD and other local agencies on how to attain and maintain the state standards for ozone and particulate matter 10 micrometers or less in diameter (PM₁₀). The CAP presents a detailed description of the sources and pollutants that impact the jurisdiction's attainment of state standards, future air quality impacts to be expected under current growth trends, and an appropriate control strategy for reducing ozone precursor emissions, thereby improving air quality. In order to be considered consistent with the San Luis Obispo County CAP, a project must be consistent with the land use planning and transportation control measures and strategies outlined in the CAP.

SLOAPCD Criteria Pollutant Thresholds

The SLOAPCD has developed and updated their CEQA Air Quality Handbook (most recently updated with a November 2017 Clarification Memorandum) to help local agencies evaluate project-specific impacts and determine if air quality mitigation measures are needed, or if potentially significant impacts could result. This handbook includes established thresholds for both short-term construction emissions and long-term operational emissions.

Use of heavy equipment and earth-moving operations during project construction can generate fugitive dust and engine combustion emissions that may have substantial temporary impacts on local air quality and climate change. Combustion emissions, such as nitrogen oxides (NOx), reactive organic gases (ROG), greenhouse gases (GHG), and diesel particulate matter (DPM), are most significant when using large, diesel-

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fueled scrapers, loaders, bulldozers, haul trucks, compressors, generators, and other heavy equipment. The SLOAPCD has established thresholds of significance for each of these contaminants.

Operational impacts are focused primarily on the indirect emissions (i.e., motor vehicles) associated with residential, commercial, and industrial development. Certain types of projects can also include components that generate direct emissions, such as power plants, gasoline stations, dry cleaners, and refineries (referred to as stationary source emissions). General screening criteria is used by the SLOAPCD to determine the type and scope of air quality assessment required for a particular project (Table 1-1 in the SLOAPCD's CEQA Air Quality Handbook). These criteria are based on project size in an urban setting and are designed to identify those projects with the potential to exceed the SLOAPCD's significance thresholds. A more refined analysis of air quality impacts specific to a given project is necessary for projects that exceed the screening criteria below or are within 10% of exceeding the screening criteria.

Sensitive Receptors

Sensitive receptors are people who have an increased sensitivity to air pollution or environmental contaminants, such as the elderly, children, people with asthma or other respiratory illnesses, and others who are at a heightened risk of negative health outcomes due to exposure to air pollution. Some land uses are considered more sensitive to changes in air quality than others, due to the population that occupies the uses and the activities involved. Sensitive receptor locations include schools, parks and playgrounds, day care centers, nursing homes, hospitals, and residences. The nearest sensitive receptor location to the project site is approximately 640 feet to the north.

Naturally Occurring Asbestos

Naturally Occurring Asbestos (NOA) is identified as a toxic air contaminant by the California Air Resources Board (CARB). Serpentine and other ultramafic rocks are fairly common throughout San Luis Obispo County and may contain NOA. If these areas are disturbed during construction, NOA-containing particles can be released into the air and have an adverse impact on local air quality and human health. The project site is not located in an area identified as containing NOA by the SLOAPCD.

Developmental Burning

As of February 25, 2000, the SLOAPCD prohibits developmental burning of vegetative material within San Luis Obispo County. However, under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. Any such exception requires the following prior to any burning: SLOAPCD approval, payment of fee to the SLOAPCD based on the size of the project, and issuance of a burn permit by the SLOAPCD and the local fire department authority. As part of SLOAPCD approval, the applicant shall furnish a study of technical feasibility (which includes costs and other constraints) at the time of application. For any questions regarding these requirements, project applicants contact the SLOAPCD at (805) 781-5912.

Discussion

(a) Conflict with or obstruct implementation of the applicable air quality plan?

In order to be considered consistent with the 2001 San Luis Obispo County CAP, a project must be consistent with the land use planning and transportation control measures and strategies outlined in the CAP (SLOAPCD 2012). Adopted land use planning strategies include, but are not limited to, planning compact communities with higher densities, providing for mixed land use, and balancing jobs and housing. The project does not include development of retail or commercial uses that would be open to the public, therefore, land use planning strategies such as mixed-use development and

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planning compact communities are generally not applicable. The project would result in the establishment of activities that are agricultural in nature and would employ up to two full-time regular employees and up to ten part-time/seasonal employees. The project would not result in a significant increase in employees and therefore would not significantly affect the local area's jobs/housing balance.

Adopted transportation control measures include, but are not limited to, a voluntary commute options program, local and regional transit system improvements, bikeway enhancements, and telecommuting programs. The voluntary commute options program targets employers in the county with more than 20 employees; because the project would employ up to a maximum of twelve employees, this program would generally not be applicable to the project. The project would not conflict with regional plans for transit system or bikeway improvements. Project employees would generally be performing manual tasks such as planting, harvesting, and monitoring the irrigation equipment; therefore, the project would not be a feasible candidate for participation in a telecommuting program.

Therefore, the project would not conflict with or obstruct implementation of the CAP; therefore, impacts would be *less than significant*.

- (b) *Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?*

Construction Emissions

As proposed, the project will result in approximately 5.7 acres of ground disturbance, including less than 50 cubic yards of grading. This will result in the creation of construction dust, as well as short-term vehicle emissions. Based on the SLOAPCD's CEQA Air Quality Handbook (2012) and Clarification Memorandum (2017), estimated construction-related emissions were calculated and are shown in Table 2 below.

Table 2. Proposed Project Estimated Construction Emissions

Pollutant	Total Estimated Project Emissions	APCD Emissions Threshold	Mitigation Required?
Reactive Organic Gases (ROG) + Nitrogen Oxide (NO _x) (combined)	5.69 lbs	137 lbs/day	No
Diesel Particulate Matter (DPM)	0.245 lbs	7 lbs/day	No
Fugitive Particulate Matter (PM ₁₀)	4.275 tons	2.5 tons/quarter	Yes

Source: SLOAPCD 2012; project operation plan

The project's daily emissions would not exceed SLOAPCD's significance thresholds for Reactive Organic Gases (ROG) + Nitrogen Oxide (NO_x) or Diesel Particulate Matter (DPM), as the total emissions are below the daily thresholds. Based on the size of the project, the project has the potential to exceed the monthly emissions threshold for Fugitive Particulate Matter (PM₁₀). The project would result in the disturbance of greater than 4.0 acres and would have the potential to exceed the 2.5 ton/quarter threshold; therefore, the project would be required to implement SLOAPCD standard construction fugitive PM₁₀ mitigation measures, as detailed in Mitigation Measure AQ-1.

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Operation-Related Emissions

The project would result in long-term operational emissions of criteria air pollutants associated with electricity use, employee vehicle trips, and delivery vehicle trips. The project would employ up to two full-time regular employees and up to ten full-time seasonal employees and would generate approximately 833 daily traffic trips (Public Works referral response). Based on the size and scope of proposed operations, the project would not exceed operational thresholds for general light industry in Table 1-1 of the Clarification Memorandum for the San Luis Obispo County Air Pollution Control District's 2012 CEQA Air Quality Handbook (2017). Therefore, operational emissions would be less than significant.

Upon implementation of mitigation measure AQ-1, the project would not result in the exceedance of federal, state, or SLOAPCD ambient air quality standards; therefore, impacts would be *less than significant with mitigation*.

(c) *Expose sensitive receptors to substantial pollutant concentrations?*

The project site is generally surrounded by agricultural land uses, including vineyards and grazing, with the nearest sensitive receptor (an off-site residence) located approximately 640 feet north of the proposed development area. As identified above, the project would be required to implement fugitive dust mitigation (AQ-1) to reduce potential impacts related to PM₁₀. Therefore, the project would not result in substantial air pollutant concentrations within close proximity to a sensitive receptor location and impacts would be *less than significant*.

(d) *Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?*

The project site is not located in an area identified as containing NOA by the SLOAPCD. The project does not propose to burn any on-site vegetative materials and would be subject to SLOAPCD restrictions on developmental burning of vegetative material; therefore, the project would not result in substantial air pollutant emissions from such activities.

The project includes indoor and outdoor cannabis cultivation, as well as drying and processing of cannabis grown on-site. These activities often produce potentially objectionable odors during the flowering, harvest, drying, and processing phases of the proposed operations and could disperse through the air and be detected by surrounding receptors.

Odor management of the outdoor cultivation area includes location of the cultivation area at a minimum of 300 feet from each property line and beyond 100 feet from any off-site residence, as required by LUO Section 22.40.050.D.3. This cultivation area could produce objectionable odors during the harvest season each year and has been determined to be located and designed in a manner that would prevent all cannabis nuisance odors from being detected off-site, in accordance with LUO Section 22.40.050.D.8.

Proposed indoor mixed-light cannabis cultivation would occur within seven 3,000-square-foot greenhouse structures and the ancillary nursery would occur within one 5,000 square-foot greenhouse structure, each equipped with carbon scrubbers. Carbon scrubbers absorb and filter odor-causing agents through activated carbon and have been demonstrated to be an effective odor abatement method for indoor cannabis facilities (County of Santa Barbara 2017). Proposed drying, curing, and storage of cannabis produced on-site would occur within a proposed 3,000-square-foot metal building that would also be equipped with carbon scrubbers.

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Every proposed use that would have the potential to create objectionable odors would be located a minimum of 300 feet from the nearest property line and all structures to be utilized for proposed cannabis cultivation activities would be equipped with sufficient ventilation controls to significantly reduce the likelihood of odors being detected off-site; therefore, impacts related to other emissions, such as those leading to odors, adversely affecting a substantial number of people would be *less than significant*.

Conclusion

The project would have the potential to result in PM₁₀ emissions above the quarterly threshold established by SLOAPCD for construction emissions. Mitigation measures AQ-1 have been identified to require the applicant to implement fugitive dust control measures during all construction and site disturbance activities to reduce fugitive dust emissions to less than significant. No other potentially significant impacts to air quality were identified.

Mitigation

AQ-1 **Prior to issuance of grading permits**, the following measures shall be implemented during all site disturbance activities and shown on all applicable plans:

- a. Reduce the amount of the disturbed area where possible;
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the SLOAPCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 miles per hour (mph). Reclaimed (non-potable) water should be used whenever possible;
- c. All dirt stockpile areas should be sprayed daily or covered with tarps or other dust barriers, as needed;
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil-disturbing activities;
- e. Exposed ground areas that are planned to be reworked at dates greater than 1 month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;
- f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the SLOAPCD;
- g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least 2 feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code Section 23114;

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- j. Install wheel washers or other devices to control tracking of mud and dirt onto adjacent roadways where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible. Roads shall be pre-wetted prior to sweeping when feasible; and
- l. The applicant shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below the SLOAPCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period, and to prevent transport of dust off-site. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the SLOAPCD Engineering & Compliance Division **prior to the start of any grading, site disturbance, or demolition.**

IV. BIOLOGICAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

A Biological Resources Assessment (BRA) was prepared by Althouse and Meade, Inc. for the subject property (2019). The following discussion is based on the observations made of the project site during a site visit conducted in April 2019.

The project site is located on the north side of Neal Spring Road within a predominately agricultural area with scattered rural residential dwellings and agricultural support structures. The property is developed with a single-family residence and two shipping containers. An application has been submitted for construction of a new residential structure.

Dominant natural communities within the project site include annual grassland. The project site had been recently disked, though several forbs and grasses remained. A seasonal east-to-west drainage runs along the northern boundary of the project area and is vegetated with forbs and annual grasses. Several mature valley oaks (*Quercus lobata*) also occur within the project area.

The County Oak Woodland Ordinance was adopted in April 2017 to regulate the clear-cutting of oak woodlands. This ordinance applies to sites located outside of Urban or Village areas within the inland portions of the county (not within the Coastal Zone). "Clear-cutting" is defined as the removal of 1 acre or more of contiguous trees within an oak woodland from a site or portion of a site for any reason, including harvesting of wood, or to enable the conversion of land to other land uses. "Oak woodland" includes the following species: blue oak (*Quercus douglasii*), coast live oak (*Quercus agrifolia*), interior live oak (*Quercus wislizeni*), valley oak (*Quercus lobata*), and California black oak (*Quercus kelloggii*). The ordinance applies to clear-cutting of oak woodland only and does not apply to the removal of other species of trees; the removal of individual oak trees (except for heritage oaks); or the thinning, tree trimming, or removal of oak woodland trees that are diseased, dead, or creating a hazardous condition. Heritage oaks are any individual oak species, as defined in the Oak Woodland Ordinance, of 48 inches diameter at breast height (dbh) or greater, separated from all

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stands and oak woodlands by at least 500 feet. Minor Use Permit approval is required to remove any heritage oak.

CCR Title 3, Division 8, Chapter 1, Article 4 includes general environmental protection measures for cannabis cultivation projects, including the following requirements associated with compliance with biological resources :

- a. Comply with Section 13149 of the Water Code as implemented by the State Water Resources Control Board (SWRCB), Regional Water Quality Control Boards (RWQCBs), or California Department of Fish and Wildlife (CDFW); and
- b. Comply with any conditions requested by the CDFW or SWRCB under Section 26060.1(b)(1) of the Business and Professions Code.

Discussion

- (a) *Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

Special-Status Plants

Based on a 5-mile search within the California Natural Diversity Database (CNDDDB) and a review of existing literature, four special status plants occur within the vicinity: Shining navarretia (*Navarretia nigelligiformis* subsp. *radians*), Santa Lucia dwarf rush (*Juncus luciensis*), Mesa horkelia (*Horkelia cuneate* var. *puberula*), and Lemmon's jewelflower (*Caulanthus lemmonii*). The BRA concluded that suitable habitat is present on the project site for only Shining navarretia, a CRPR 1B.2 species, and Santa Lucia dwarf rush, a CRPR 1B.2 species. Mesa horkelia requires sandy or gravelly chaparral, cismontane woodland, or coastal scrub habitat, which do not occur on the project site. Lemmon's jewel flower requires pinyon and juniper woodland, or valley and foothill grassland habitat, which is not present on the project site. Protocol level botanical surveys conducted in 2019 determined that no special status plant species occur within the project area. Therefore, impacts on special status plant species would be *less than significant*.

Special-Status Wildlife

Based on a search of the California Natural Diversity Database (CNDDDB) and a review of existing literature, a total of 11 sensitive wildlife species have been documented within an approximate 5-mile radius of the project property: tricolored blackbird (*Agelaius tricolor*), northern California legless lizard (*Anniella pulchra*), vernal pool fairy shrimp (*Branchinecta lynchi*), western pond turtle (*Emys marmorata*), Atascadero June beetle (*Polyphylla nubila*), California red-legged frog (*Rana draytonii*), western spadefoot (*Spea hammondi*), American badger (*Taxidea taxus*), Lompoc grasshopper (*Trimerotropis occulens*), least Bell's vireo (*Vireo bellii pusillus*), and San Joaquin kit fox (*Vulpes macrotis mutica*).

The project site does not provide vernal pool habitat, coastal habitat, pond habitat, or sand dune habitat to support species such as vernal pool fairy shrimp (*Branchinecta lynchi*), Atascadero June beetle (*Polyphylla nubila*), or western pond turtle (*Emys marmorata*).

American badger and San Joaquin kit fox have potential to occur on the Property and were not present at the time of our 2019 surveys. Both of these mammals are known from the region and due to their highly mobile habits could be present on the property at any time in the future (Althouse and Meade 2019). American badgers have low potential to occur on the Property due to a low-density prey base. Badgers or their sign (dens, scat, tracks) were not detected on the Property during the 2019 surveys.

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Potential project impacts to American badger include direct impacts (injury or mortality) associated with the use and movement of construction equipment, construction materials and debris, and vegetation removal within the project site, if this species is present within proposed impact areas. Indirect impacts of construction activities, including destruction or modification of habitat/burrows and generation of noise, vibration, and dust may cause temporary disturbance to these species, which may cause them to leave burrows and migrate to adjacent work areas. The indirect effects of erosion and sedimentation could also impact American badger through destruction of burrows.

The Property is within the known range of San Joaquin kit fox. The disturbed grassland habitat could provide a low-abundance prey base for kit fox; however, the low-quality habitat is not preferred by denning kit fox. Habitat adjacent to the Property is less disturbed grasslands and agricultural fields that have grown back with tall annual grasses and could provide suitable denning habitat. Kit fox have low potential to occur on the Property. A habitat evaluation for San Joaquin kit fox was prepared by Althouse and Meade, Inc. Principal Biologist Dan Meade (Attachment G of the BRA). The Property received an evaluation score of 76 points, equivalent to a 3:1 mitigation ratio, which is higher than the County's standard 2:1 mitigation ratio for the area. Preconstruction surveys for both of these mammals are required prior to ground-disturbing activities, as detailed in Mitigation Measures BIO-2 and BIO-3. Impacts to grassland habitat within the range of the endangered San Joaquin kit fox require implementation of Mitigation Measures BIO-4 through BIO-12.

Loggerhead shrike, a California Species of Special Concern, was observed on site in 2019, but nesting was not confirmed. Typical nesting habitat of shrubby vegetation is not present in the Project footprint, however there is moderate potential for loggerhead shrikes to nest in the lower branches of oak trees on site. Other special status bird species were not observed onsite.

Potential impacts to least Bell's vireo (*Vireo bellii pusillus*), tricolored blackbird (*Agelaius tricolor*), and other bird species protected by the Migratory Bird Treaty Act (MBTA), including ground nesting birds (e.g., meadowlarks and California towhee [*Melospiza crissalis*]), include direct impacts (injury or mortality) associated with the use and movement of construction equipment, construction materials, and debris and vegetation removal within the project site, if these species are nesting within proposed impact areas. Indirect impacts of construction activities, including destruction or modification of habitat and generation of noise, vibration, and dust, may cause temporary disturbance to these species, if present. The project does not include direct trimming or removal of any trees located within the project site. Avoidance and mitigation Measures BIO-14 has been identified to ensure that project activities avoid impacts to migratory nesting birds. Upon implementation of these measures, impacts to MBTA-protected birds, including Least Bell's vireo and tricolored blackbird would be less than significant.

Silvery legless lizard is a fossorial species that spends most of its life underground; therefore, they are difficult to detect without shallow excavation of the soil surface. Although these species were not observed in the project site during the surveys, the project site has potential to support these species due to the presence of suitable habitat and inability to rule out the species from occurring at the project site. Potential project impacts to these species include direct impacts (injury or mortality) associated with the use and movement of construction equipment, construction materials and debris, vegetation and/or tree removal, and worker foot traffic. Indirect impacts of construction activities, including destruction or modification of habitat and generation of noise, vibration, and dust may cause temporary disturbance to these species, if present. Mitigation Measure BIO-14 have been identified to require the applicant to require pre-disturbance surveys for these species, monitoring

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for these species during initial ground disturbance activities, and relocation of individuals of these species outside of work areas if found.

Small ephemeral drainages that are offsite but in the vicinity of the project site may also provide suitable habitat for aquatic and semi-aquatic special-status species such as California red-legged frog (*Rana draytonii*) and western spadefoot (*Spea hammondi*). Potential project impacts to these species include direct impacts (injury or mortality) associated with the use and movement of construction equipment, construction materials and debris, vegetation and/or tree removal, and worker foot traffic. Indirect impacts of construction activities, including destruction or modification of habitat and generation of noise, vibration, and dust may cause temporary disturbance to these species, if present. Mitigation measures BIO-15 through BIO-19 have been identified to require pre-disturbance surveys, construction worker awareness training, trash removal, and other measures to avoid and/or reduce potential impacts to California red-legged frog and western spadefoot.

While no roosting bats were observed during the preliminary survey of the project area, the existing structures and mature valley oak trees within and adjacent to the project site have the potential to support roosting Townsend's big-eared bat. Based on suitable roosting and foraging habitat within the project site and existing uses in the vicinity, Townsend's big-eared bat is considered to have potential to roost onsite. The project does not propose trimming or removal of existing structures or oak trees onsite; therefore, the project would not result in direct loss of roosting habitat. However, the project would result in temporary noise and dust disturbance associated with construction, and the loss of foraging habitat for these species within the project development site. Measure BIO-20 has been identified to avoid impacts to Townsend's big-eared bat through pre-disturbance surveys and identification of appropriate protocol if found roosting within or adjacent to the project site.

Avoidance and mitigation measures have been identified to reduce potential impacts the project may have on special-status birds, migratory nesting birds, western spadefoot, red-legged frog, American Badger, Silvery legless lizard, and SJKF to a less-than-significant level. In addition, the project would be required to comply with applicable CDFA regulations regarding compliance with CDFW policies and requests. Therefore, potential impacts associated with the loss of unique or special-status species or their habitats would be *less than significant with mitigation*.

- (b) *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?*

A seasonal drainage is situated outside the northeastern and northern boundary of the Project footprint. The drainage is vegetated with forbs such as curly dock (*Rumex crispus*) and common bedstraw (*Galium aparine*), as well as annual grasses, including foxtail barley (*Hordeum murinum*) and soft chess brome (*Bromus hordeaceus*). Several valley oaks (*Quercus lobata*) align the western bank of the drainage which seasonally conveys water east-to-west in the central portion on the Property, just north of the Project footprint. The drainage that passes through the Property is considered an ephemeral watercourse, classified as Class III, according to the State Water Resources Control Board General Order for Cannabis Cultivation Activities (Order WQ 2017-0023-DWQ). Under the General Order, a minimum 50-foot setback is required from the bank-full stage or incised channel of Class III watercourses. Mitigation Measure BIO-23 would require implementation of this setback. Therefore, impacts would be *less than significant with mitigation*.

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- (c) *Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

The nearest natural water feature is an unnamed drainage situated outside the northeastern and northern boundary of the Project footprint. No wetlands are present within the project area on the eastern portion of the property. In addition, the project would be required to comply with applicable CDFA regulations regarding compliance with Section 13149 of the Water Code. Based on the distance from the creek, the existing intervening development, and the topography of the site, the project would have no direct or indirect effect on wetland habitat and *no impacts would occur*.

- (d) *Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

As described in *threshold c* above, the project disturbance area is not located within close proximity to natural water features and therefore would have no impact on resident or migratory fish species. The project is located within moderate proximity to the Salinas River SJKF migratory corridor and therefore there is a low likelihood that SJKF may pass through the project area. Mitigation measure BIO-12 has been identified to require all proposed fencing to be modified to include ground-level gaps every 10 yards to allow for SJKF passage. Therefore, impacts related to interference of migratory fish or wildlife would be *less than significant with mitigation*.

- (e) *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

Scattered mature valley oak trees occur within and around the proposed development area on-site, which are considered a sensitive resource by the County and are endemic to California. Based on the current site plans, it appears approximately 4 mature oak trees are located within close proximity to proposed disturbance activities. While no tree removal is proposed, project activities have the potential to result in impacts to mature valley oaks on-site if disturbance activities, such as compaction, grading, tilling, or year-round irrigation, are located within a tree's critical root zone (measured to be a radius of 1.5 times the dripline of the tree). Mitigation measure BIO-21 has been identified to require the applicant to identify on final site plans any valley oak trees that would be impacted as a result of project. Measure BIO-22 has also been identified to ensure any trees not identified as impacted would be maintained for the life of the project. Therefore, impacts associated with conflict with local ordinances or policies protecting biological resources would be *less than significant with mitigation*.

- (f) *Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

The project is not located within an area under an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Therefore, the project would not conflict with the provisions of an adopted plan and impacts would be *less than significant*.

Conclusion

The project has the potential to result in impacts to special-status and nesting birds protected by the MBTA, SJKF, and native oak trees. Mitigation measures BIO-1 through BIO-23 have been identified to avoid and/or minimize potential impacts to these species to a less-than-significant level. Upon implementation of these

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measures, the project's potential impacts to biological resources would not be cumulatively considerable. Therefore, upon implementation of measures identified below, the project would not result in significant impacts to biological resources.

Mitigation

BIO-1 **Prior to issuance of construction permits or initiation of any ground disturbance, whichever occurs first,** the applicant shall provide evidence to the County that they have retained a County-approved qualified biologist. The scope of work shall include preconstruction surveys, training, monitoring, and reporting, as detailed in the mitigation measures listed below.

BIO-2 **Environmental Awareness Training.** Prior to major construction activities (e.g., site mobilization, clearing, grubbing, preparation for installing new facilities, etc.), an environmental awareness training shall be presented to all project personnel by a qualified biologist prior to the start of any project activities. The training shall include color photographs and a description of the ecology of all special-status species known or determined to have potential to occur, as well as other sensitive resources requiring avoidance near project impact areas. The training shall also include a description of protection measures required by the project's discretionary permits, an overview of the federal Endangered Species Act, the California Endangered Species Act, and implications of noncompliance with these regulations, as well as an overview of the required avoidance and minimization measures. A sign-in sheet with the name and signature of the qualified biologist who presented the training and the names and signatures of the trainees will be kept and provided to the County of San Luis Obispo (County). If new project personnel join the project after the initial training period, they will receive the environmental awareness training from a designated crew member on site before beginning work. A qualified biologist will provide refresher trainings during site visits or other monitoring events.

BIO-3 **American Badger Surveys and Avoidance.** A qualified biologist shall complete a pre-construction survey for badgers no less than 14 days and no more than 30 days prior to the start of initial project activities to determine if badgers are present within proposed work areas, in addition to a 200-foot buffer around work areas.

If a potential den is discovered, the den will be monitored for 3 consecutive nights with an infra-red, motion-triggered camera, prior to any project activities, to determine if the den is being used by an American badger.

If an active badger den is found, an exclusion zone shall be established around the den. A minimum of a 50-foot exclusion zone shall be established during the non-reproductive season (July 1 to January 31) and a minimum 100-foot exclusion zone during the reproductive season (February 1 to June 30). Each exclusion zone shall encircle the den and have a radius of 50 feet (non-reproductive season) or 100 feet (reproductive season), measured outward from the burrow entrance. All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the den is no longer in use. If avoidance is not possible during project construction or continued operation, the County shall be contacted. The County will coordinate with appropriate resource agencies for guidance.

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If more than 30 days pass between construction phases (e.g., vegetation trimming and the start of grading), during which no or minimal work activity occurs, the badger survey shall be repeated.

BIO-4 **SJKF Protection Measures.** Prior to issuance of grading and/or construction permits, all SJKF protection measures required before construction (prior to any project activities) and during construction shall be included as a note on all project plans.

BIO-5 **San Joaquin Kit Fox Habitat Conservation and Compensation.** Prior to issuance of grading and/or construction permits, or initiation of any ground disturbance, for each project phase, the applicant shall submit evidence to the County Department of Planning and Building and CDFW that satisfactorily demonstrates one or a combination of the following three San Joaquin kit fox (SJKF) mitigation measure options for loss of SJKF habitat has been implemented to offset the project's calculated compensatory impacts at a 3:1 ratio:

- a. Habitat Set Aside: Provide for the protection in perpetuity, through acquisition of fee or a conservation easement, 17.4 acres of suitable habitat in the kit fox corridor area, as determined by CDFW, (e.g., within the San Luis Obispo kit fox habitat area), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands conserved shall be subject to the review and approval of the CDFW and the County. This mitigation alternative (a.) requires that all aspects of this program be in place before County permit issuance or initiation of any ground-disturbing activities.
- b. In-Lieu Fee: Deposit funds into an approved in-lie fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity. Mitigation alternative (b.) can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between CDFW and TNC to preserve SJKF habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the CEQA. The fee for this project would total \$43,500. This fee is calculated based on the current cost-per-unit of \$2,500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; the actual cost may increase depending on the timing of payment. This fee must be paid after CDFW provides written notification about mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.
- c. Conservation Bank Credit: Purchase 17.4 credits required by CDFW in a CDFW-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity. Mitigation alternative (c.) can be completed by purchasing credits from the Palo Prieto Conservation Bank. The Palo Prieto Conservation Bank was established to preserve SJKF habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the CEQA. This fee is based on the current cost-per-credit of \$2,500 per acre of mitigation. The fee is established by the conservation bank owner and may change at any time. The actual cost may increase depending on the timing of payment. Purchase

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of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

BIO-6 San Joaquin Kit Fox Preconstruction Surveys and Monitoring Activities. In accordance with BIO-1, the qualified biologist shall perform the following monitoring activities for all project phases:

- a. Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction of each project phase, the qualified biologist shall conduct a pre-activity (i.e., pre-construction) transect survey of the work area and 250-foot buffer around the proposed disturbance areas for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within 250 feet of the work area.
- b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (e.g., grading, disking, excavation, stock piling of dirt or gravel, etc.) of each project phase that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BIO-8 through BIO-12. Site disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (e.g., Mitigation Measure BIO-4diii). When weekly monitoring is required, the qualified biologist shall submit weekly monitoring reports to the County within 14 days of project site disturbance initiation of each project phase.
- c. Prior to and during project activities of all project phases, if any observations are made of SJKF, or any known or potential SJKF dens are discovered within the project limits, the qualified biologist shall reassess the probability of incidental take (e.g., harm or death) to kit fox. At the time a den is discovered, the qualified biologist shall contact the USFWS and CDFW for guidance on possible additional kit fox protection measures to implement and whether or not a federal and/or state incidental take permit is needed. If a potential den is encountered during construction, work shall stop until such time the USFWS and CDFW determine it is appropriate to resume work. If incidental take of kit fox during project activities is possible, before project activities commence, the applicant must consult with the USFWS and CDFW. The results of this consultation may require the applicant to obtain a federal and/or state permit for incidental take during project activities. The applicant shall be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.
- d. In addition, the qualified biologist shall implement the following measures:
 - i. Within 30 days prior to initiation of site disturbance and/or construction of all project phases, fenced exclusion zones shall be established around all known and potential kit fox dens. Dens will be avoided by the following distances: 50 feet for potential or atypical dens, 100 feet for known dens, and 250 feet for pupping dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey lath or wooden stakes

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prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of distance measured outward from the den or burrow entrances, dependent on the use and activity of the den (i.e., potential, known, active, or natal den), to be determined by the kit fox biologist.

- ii. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.
- iii. If kit foxes or known or potential kit fox dens are found on-site, daily monitoring by a qualified biologist shall be required during ground-disturbing activities.

BIO-7 Kit Fox Speed Limit Signage. Prior to issuance of grading and/or construction permits for each project phase, the applicant shall clearly delineate the following as a note on the project plans: "Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox." Speed limit signs shall be installed on the project site within 30 days prior to initiation of site disturbance and/or construction of each project phase.

BIO-8 Kit Fox Night Construction Limitations. During the site disturbance and/or construction of each project phase, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.

BIO-9 Kit Fox Entrapment Avoidance. During the site-disturbance and/or construction of each project phase, to prevent entrapment of the SJKF, all excavations, steep-walled holes, and trenches in excess of 2 feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected by a qualified biologist for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume or be removed from the trench or hole by a qualified biologist and allowed to escape unimpeded. The qualified biologist shall have the necessary State and Federal permits authorizing incidental take in order to physically remove an entrapped kit fox.

In addition, during site disturbance and/or construction of each project phase, any pipes, culverts, or similar structures with a diameter of 4 inches or greater stored overnight at the project site shall be thoroughly inspected for trapped SJKF before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved. If necessary, the pipe may be moved only once to remove it from the path of activity, until the kit fox has escaped.

BIO-10 Kit Fox Trash Removal Procedures. During the site-disturbance and/or construction of each project phase, all food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of only in closed containers. These containers shall be regularly removed

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from the site. Food items may attract SJKF onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.

- BIO-11** **Pesticide and Herbicide Minimization Procedures.** Prior to, during, and after the site-disturbance and/or construction of each project phase, use of pesticides or herbicides shall be in compliance with all federal, state, and local regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which SJKF depend.
- BIO-12** **Kit Fox Mortality Procedures.** During the site-disturbance and/or construction phase, any contractor or employee that inadvertently kills or injures an SJKF or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the USFWS and CDFW by telephone. In addition, formal notification shall be provided in writing within 3 working days of the finding of any such animal(s). Notification shall include the date, time, location, and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the USFWS and CDFW for care, analysis, or disposition.
- BIO-13** **Kit Fox Fencing Requirements.** Prior to final inspection or establishment of the use, whichever occurs first, all proposed fencing (chain link with security slats) shall be installed to provide for kit fox passage and 8 x 12-inch openings near the ground shall be provided every 100 yards. Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines and shall be inspected during quarterly monitoring by the County.
- BIO-14** **Nesting Birds Avoidance.** To the maximum extent possible, all site preparation, ground-disturbing, and construction activities shall be conducted outside of the migratory bird breeding season (February 1 through September 15). If such activities are required during this period, the qualified biologist shall conduct a nesting bird survey within one week prior to site disturbance and/or vegetation removal/trimming activities. The qualified biologist shall conduct species-specific surveys for Least Bell's Vireo in accordance with USFWS' "Least Bell's Vireo Survey Guidelines" (USFWS, 2001) and for tri-colored blackbird. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active. If nesting activity is detected, the following measures shall be implemented:
- a. A 50-foot exclusion zone shall be placed around non-listed, passerine species, and a 250-foot exclusion zone shall be implemented for raptor species. Each exclusion zone shall encircle the nest and have a radius of 50 feet (non-listed passerine species) or 250 feet (raptor species). All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.
 - b. If Least Bell's vireo is located during surveys, a 300-foot no-disturbance buffer shall be established in accordance with USFWS' "Least Bell's Vireo Survey Guidelines" (USFWS,

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2001). This buffer shall remain in place until the breeding season has ended or until the qualified biologist has determined that nesting has ceased, the birds have fledged, and are no longer reliant upon parental care for survival. In the event that Least Bell's vireo is detected during surveys, and implementation of the no-disturbance buffer above is not feasible, consultation with CDFW is warranted to acquire a State Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081 subdivision (b), prior to any ground-disturbing activities.

- c. If an active tricolored blackbird nesting colony is found during pre-construction surveys, a 300-foot no-disturbance buffer shall be established in accordance with CDFW's "Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agriculture Fields in 2015" (2015). This buffer shall remain in place until the breeding season has ended or until the qualified biologist has determined that nesting has ceased, the birds have fledged, and are no longer reliant upon the colony for survival.
- d. The results of the survey shall be provided to the County prior to initial project activities. The results shall detail appropriate fencing or flagging of exclusion zones and include recommendations for additional monitoring requirements. A map of the project site and nest locations shall be included with the results. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the recommended exclusion zone depending on site conditions and species (if non-listed).

If two weeks lapse between different phases of project activities (e.g., vegetation trimming and the start of grading), during which no or minimal work activity occurs, the nesting bird survey shall be repeated.

BIO-15

Silvery Legless Lizard Surveys and Avoidance. Between 2 and 4 weeks prior to initiation of construction activities or site disturbance activities of all project phase and during initial grading activities of all project phases, a County-approved biologist shall conduct surveys for silvery legless lizards (*Anniella pulchra*). The surveyor shall utilize hand search or cover board methods in areas of disturbance where legless lizards are expected to be found (e.g., under shrubs, other vegetation, or debris). If cover board methods are used, they shall commence at least 30 days prior to the start of construction. Hand search surveys shall be completed immediately prior to and during grading activities. During grading activities, the County-approved biologist shall walk behind the grading equipment to capture silvery legless lizards that are unearthed by the equipment. The surveyor shall capture and relocate any legless lizards or other reptiles observed during the survey effort. The captured individuals shall be relocated from the construction area and placed in suitable habitat on the site but outside of the work area. Following the survey and monitoring efforts, the County-approved biologist shall submit to the County a project completion report that documents the number of silvery legless lizards and other reptiles captured and relocated, and the number of legless lizards or other reptiles taken during grading activities. Observations of these species or other special-status species shall be documented on CNDDDB forms and submitted to CDFW upon project completion.

BIO-16

(a) California Red-Legged Frog Surveys and Avoidance. A United States Fish and Wildlife Service-approved biologist will survey the project area no more than 48 hours before the onset of project site disturbance activities of all project phases. If any life stage of the California

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red-legged frog is found and these individuals are likely to be killed or injured by work activities, the approved biologist will be allowed sufficient time to move them from the site before work activities begin. The United States Fish and Wildlife Service-approved biologist will relocate the California red-legged frogs the shortest distance possible to a location that contains suitable habitat and will not be affected by the activities associated with the project. The relocation site should be in the same drainage to the extent practicable. The project biologist shall coordinate with the California Department of Fish and Wildlife on the relocation site prior to the capture of any California red-legged frogs.

(b) California Red-Legged Frog Surveys and Avoidance During Ongoing Operations. The applicant shall make every effort to schedule work activities during the dry season when impacts to CRLF and FYLF would be minimal. This would include the following:

- Avoid work during the rainy season (October 15 through April 15). If work must occur in the rainy season, no work shall occur during or immediately after rain events of 0.25 inches or greater.
- A follow-up survey shall be conducted prior to the start of work following any rain event of 0.25 inches or greater.
- Avoid nighttime work. If nighttime work is deemed necessary, a qualified biologist shall be on site until it is determined that no potential impacts to CRLF or FYLF would occur based on conditions and the scope of work.

If operational activities such as planting or harvesting are necessary during the rainy season, an Operational Management Plan for the avoidance of amphibians shall be prepared by a qualified biologist. The project's Management Plan will be subject to the review and approval of the United States Fish & Wildlife Service (USFWS) and San Luis Obispo County Planning & Building Department prior to operational activities during the rainy season.

The Management Plan shall address items including, but not limited to: (a) monitoring that will occur during ground disturbance and related activities (e.g., monitoring duration, time, frequency), (b) procedures to follow if a California Red Legged Frog (CRLF) or other sensitive species are encountered during operational related activities, (c) pre-activity worker training, (d) scheduling of such activities proposed to minimize impacts to sensitive species (i.e., completing activities closest to potential CRLF habitat first), and (e) the filing of a post-activity report "lessons learned" on the effectiveness of the required measures.

BIO-17

Aquatic Habitat Protection. During project construction and site disturbance activities of all project phases, all refueling, maintenance, and staging of equipment and vehicles will occur at least 60 feet from riparian habitat or water bodies and in a location from where a spill would not drain directly toward aquatic habitat (e.g., on a slope that drains away from the water). The monitor will ensure contamination of habitat does not occur during such operations. Prior to the onset of work, the applicant shall submit a plan detailing prompt and effective response to any accidental spills to the County Planning and Building Department for review and approval. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.

BIO-18

California Red-Legged Frog Trash Management. During project activities of each project phase, trash that may attract predators will be properly contained, removed from the work

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site, and disposed of regularly. Following construction, trash and construction debris will be removed from work areas.

- BIO-19 Western Spadefoot Surveys and Avoidance.** Between 2 to 4 weeks prior to initiation of construction or site disturbance activities of each project phase, a qualified biologist shall survey the project site and, if present, capture and relocate any western spadefoots to suitable habitat outside of proposed disturbance areas. Observations of these or other special-status species shall be documented on California Natural Diversity Database forms and submitted to the California Department of Fish and Wildlife upon phase completion. The project biologist shall submit a survey report to the County Department of Planning and Building documenting the number of observations of these or other special-status species (even if none are observed) as well as the areas in which individuals were relocated, if applicable.
- BIO-20 Roosting Bat Avoidance.** Site preparation, ground disturbance, and construction activities of each project phase including any tree trimming and/or vegetation removal shall be conducted outside of the typical bat maternity roosting and pupping season (from February 1st to August 31st), if feasible. If site disturbance activities of any project phase are to occur within this season, the applicant shall retain a County-qualified biologist to conduct a preconstruction survey within 14 days prior to commencement of proposed site disturbance activities. If any roosting bats are found during preconstruction surveys, no work activities shall occur within 100 feet of active roosts until bats have left the roosts. The County-qualified biologist shall prepare a report after each survey and a copy of the report shall be provided to the County Planning and Building Department within 14 days of completion of each survey. If no bat roosting activities are detected within the proposed work area, site disturbance and noise-producing construction activities may proceed, and no further mitigation is required.
- BIO-21 Native Tree Impacts. Prior to issuance of construction or grading permits or prior to any site disturbance, whichever occurs first,** a County-qualified biologist shall prepare finalized site plans that shall clearly delineate all native trees within 50 feet of areas where soil disturbance would occur and shall indicate which trees would be impacted by project activities, such as compaction (e.g., regular use of vehicles), grading (includes cutting and filling of material), tilling, placement of impermeable surfaces (e.g., pavement), or year-round irrigation within the critical root zone (measured to be a radius of 1.5 times the dripline of the tree), and which trees are to remain unimpacted.
- BIO-22 Unimpacted Oak Tree Maintenance. For the life of the project,** all oak trees not identified as being impacted shall be maintained. Unless identified as impacted in the finalized site plans, the following activities are not allowed within the critical root zone of existing or newly planted oak trees: year-round irrigation (no summer watering, unless “establishing” new tree or native compatible plant(s) for up to 3 years), grading (includes cutting and filling of material), compaction (e.g., regular use of vehicles), placement of impermeable surfaces (e.g., pavement), and disturbance of soil that impacts roots (e.g., tilling).
- BIO-23 Drainage Setback. Prior to issuance of construction or grading permits or prior to any site disturbance, whichever occurs first,** a County-qualified biologist shall prepare finalized site plans that shall clearly delineate all drainages and waterways within 50 feet of areas where project activities would occur, and shall show all activities outside the 50-foot setback.

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V. CULTURAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

San Luis Obispo County possesses a rich and diverse cultural heritage and has an abundance of historic and prehistoric cultural resources dating as far back as 9,000 B.C. The County protects and manages cultural resources in accordance with the provisions detailed by CEQA and local ordinances.

As defined by CEQA, a historical resource includes:

1. A resource listed in or determined to be eligible for listing in the California Register of Historical Resources (CRHR).
2. Any object, building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant or significant. The architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural records of California may be considered to be a historical resource, provided the lead agency's determination is supported by substantial evidence.

The COSE identifies and maps anticipated culturally sensitive areas and historic resources within the county and establishes goals, policies, and implementation strategies to identify and protect areas, sites, and buildings having architectural, historical, Native American, or cultural significance. There are no known historical resources within the nearby vicinity of the project site.

In the event of an accidental discovery or recognition of any human remains, CCR Title 3, Division 8, Chapter 1, Article 4, Section 8304 (d) requires cannabis cultivation projects to immediately halt all ground-disturbing activities and implement Section 7050.5 of the Health and Safety Code. California State Health and Safety Code Section 7050.5 and LUO Section 22.10.040 (Archaeological Resources) require that in the event of accidental discovery or recognition of any human remains, no further disturbances shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to California PRC Section 5097.98.

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Discussion

- (a) *Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?*

A Cultural Resources Survey of the project site was prepared for the project (Central Coast Archaeological Research Consultants [CCARC] 2019) and included a Phase I Archaeological surface survey and a records search using the National Register of Historic Places (NRHP), California Inventory of Historic Places, and Central Coast Information Center (CCIC). Based on the results of the field survey and literature searches, the project site does not contain, nor is it located near, any historic resources identified in the NRHP or CRHR. The project site does not contain a site under the Historic Site (H) combining designation and does not contain other structures of historic age (50 years or older) that could be potentially significant as a historical resource. Therefore, the project would not result in an adverse change in the significance of a historical resources and *no impacts would occur*.

- (b) *Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?*

A records search was conducted within the California Historical Resources Information System (CHRIS) and CCIC. The CCIC records search indicated that one cultural resource has been identified within a 0.25-mile radius of the project property. The field investigation did not reveal prehistoric or historic cultural resources in the project area, and the site is characterized with low archaeological sensitivity (CCARC 2019).

In the unlikely event resources are uncovered during project construction activities, implementation of LUO Section 22.10.040 (Archaeological Resources) would be required. This section requires that in the event archaeological resources are encountered during project construction, construction activities cease, and the County Department of Planning and Building be notified of the discovery. If the discovery includes human remains, the County Coroner shall also to be notified. This protocol would be required to be implemented in full compliance with California State Health and Safety Code Section 7050.5 as well as CDFA requirements regarding accidental discovery of cultural resources. Therefore, impacts would be *less than significant*.

- (c) *Disturb any human remains, including those interred outside of dedicated cemeteries?*

Based on the existing conditions and results of the Cultural Resources Survey conducted on-site, buried human remains are not expected to be present in the project area. In the event of an accidental discovery or recognition of any human remains, California State Health and Safety Code Section 7050.5 and LUO Section 22.10.040 (Archaeological Resources) require that no further disturbances shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to California PRC Section 5097.98. With adherence to State Health and Safety Code Section 7050.5 and LUO Section 22.10.040, impacts related to the unanticipated disturbance of archaeological resources and human remains would be reduced to less than significant; therefore, potential impacts would be *less than significant*.

Conclusion

Based on comprehensive literature review, an intensive pedestrian survey conducted on the project property, and compliance with LUO archaeological resources standards, the project's impacts associated with archaeological, historic, paleontological, and cultural resources would be less than significant and no mitigation is required.

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Mitigation

None necessary.

VI. ENERGY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting

Local Utilities

The Pacific Gas & Electric Company (PG&E) is the primary electricity provider for urban and rural communities within San Luis Obispo County. Approximately 39% of electricity provided by PG&E is sourced from renewable resources and an additional 47% is sourced from non-renewable GHG-free resources (PG&E 2019).

PG&E offers two programs through which consumers may purchase electricity from renewable sources: the Solar Choice program and the Regional Renewable Choice program. Under the Solar Choice program, a customer remains on their existing electric rate plan and pays a modest additional fee on a per kilowatt-hour (kWh) basis for clean solar power. The fee depends on the type of service, rate plan, and enrollment level. Customers may choose to have 50% or 100% of their monthly electricity usage to be generated via solar projects. The Regional Renewable Choice program enables customers to subscribe to renewable energy from a specific community-based project within PG&E's service territory. The Regional Renewable Choice program allows a customer to purchase between 25% and 100% of their annual usage from renewable sources.

The Southern California Gas Company (SoCalGas) is the primary provider of natural gas for urban and rural communities within San Luis Obispo County. SoCalGas has committed to replacing 20% of its traditional natural gas supply with renewable natural gas by 2030 (Sempra 2019).

Local Energy Plans and Policies

The COSE establishes goals and policies that aim to reduce vehicle miles traveled (VMT), conserve water, increase energy efficiency and the use of renewable energy, and reduce GHG emissions. This element provides the basis and direction for the development of the County's EnergyWise Plan (EWP), which outlines in greater detail the County's strategy to reduce government and community-wide GHG emissions through a number of goals, measures, and actions, including energy efficiency and development and use of renewable energy resources.

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State Building Code Requirements

The California Building Code (CBC) contains standards that regulate the method of use, properties, performance, or types of materials used in the construction, alteration, improvement, repair, or rehabilitation of a building or other improvement to real property. The CBC includes mandatory green building standards for residential and nonresidential structures, the most recent version of which are referred to as the *2019 Building Energy Efficiency Standards*. These standards focus on four key areas: smart residential photovoltaic systems, updated thermal envelope standards (preventing heat transfer from the interior to the exterior and vice versa), residential and nonresidential ventilation requirements, and non-residential lighting requirements. While the CBC has strict energy and green-building standards, U-occupancy structures (such as greenhouses used for cultivation activities) are typically not regulated by these standards.

Vehicle Fuel Economy Standards

In October 2012, the U.S. Environmental Protection Agency (EPA) and the National Highway Traffic Safety Administration (NHTSA), on behalf of the U.S. Department of Transportation (DOT), issued final rules to further reduce GHG emissions and improve corporate average fuel economy (CAFE) standards for light-duty vehicles for model years 2017 and beyond. NHTSA's CAFE standards have been enacted under the Energy Policy and Conservation Act since 1978. This national program requires automobile manufacturers to build a single light-duty national fleet that meets all requirements under both federal programs and the standards of California and other states. This program would increase fuel economy to the equivalent of 54.5 miles per gallon (mpg), limiting vehicle emissions to 163 grams of carbon dioxide (CO₂) per mile for the fleet of cars and light-duty trucks by the model year 2025.

In January 2017, EPA Administrator Gina McCarthy signed a Final Determination to maintain the current GHG emissions standards for the model year 2022–2025 vehicles. However, on March 15, 2017, EPA Administrator Scott Pruitt and DOT Secretary Elaine Chao announced that the EPA intended to reconsider the Final Determination. On April 2, 2018, EPA Administrator Scott Pruitt officially withdrew the January 2017 Final Determination, citing information that suggests that these current standards may be too stringent due to changes in key assumptions since the January 2017 determination. According to the EPA, these key assumptions include gasoline prices and overly optimistic consumer acceptance of advanced technology vehicles. The April 2, 2018, notice is not EPA's final agency action, and the EPA intends to initiate rulemaking to adopt new standards. Until that rulemaking has been completed, the current standards remain in effect (EPA 2017; EPA 2018).

As part California's overall approach to reducing pollution from all vehicles, CARB has established standards for clean gasoline and diesel fuels and fuel economies of new vehicles. CARB has also put in place innovative programs to drive the development of low-carbon, renewable, and alternative fuels such as their Low Carbon Fuel Standard (LCFS) Program pursuant to California Assembly Bill (AB) 32 and the Governor's Executive Order S-01-07.

In January 2012, CARB approved the Advanced Clean Cars Program, which combines the control of GHG emissions and criteria air pollutants, as well as requirements for greater numbers of zero-emission vehicles, into a single package of standards for vehicle model years 2017 through 2025. The new rules strengthen the GHG standard for 2017 models and beyond. This will be achieved through existing technologies, the use of stronger and lighter materials, and more efficient drivetrains and engines. The program's zero-emission vehicle regulation requires battery, fuel cell, and/or plug-in hybrid electric vehicles to account for up to 15% of California's new vehicle sales by 2025. The program also includes a clean fuels outlet regulation designed to support the commercialization of zero-emission hydrogen fuel cell vehicles planned by vehicle manufacturers by 2015 by requiring increased numbers of hydrogen fueling stations throughout the state.

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The number of stations will grow as vehicle manufacturers sell more fuel cell vehicles. By 2025, when the rules will be fully implemented, the statewide fleet of new cars and light-duty trucks will emit 34% fewer global warming gases and 75% fewer smog-forming emissions than the statewide fleet in 2016 (CARB 2016).

All self-propelled off-road diesel vehicles 25 horsepower (hp) or greater used in California and most two-engine vehicles (except on-road two-engine sweepers) are subject to CARB's Regulation for In-Use Off-Road Diesel Fueled Fleets (Off-Road regulation). This includes vehicles that are rented or leased (rental or leased fleets). The overall purpose of the Off-Road regulation is to reduce emissions of NO_x and particulate matter from off-road diesel vehicles operating within California through the implementation of standards including, but not limited to, limiting idling, reporting and labeling off-road vehicles, limiting the use of old engines, and applying performance requirements.

Energy Use in Cannabis Operations

The CDFA Code of Regulations includes renewable energy requirements for indoor mixed-light cannabis cultivation operations. Beginning in 2023 all indoor mixed-light licensees must provide evidence of carbon offsets if the licensee's average weighted GHG emission intensity is greater than the local utility provider's GHG emission intensity. As such, for cultivators within San Luis Obispo County, if a cultivator's mixed-light energy use is supplied by resources with a lesser GHG-emission intensity than PG&E's GHG-emission intensity (currently approximately 85%), they would be required to acquire carbon offsets to account for the difference (CCR Section 8305).

The total energy demand of a cannabis operation depends heavily on the type of cultivation, manufacturing, location of the project, and the types of equipment required. Outdoor cultivation involves minimal equipment and has relatively low energy demands, while indoor cultivation involves more equipment that tends to have much higher energy demands (e.g., high-intensity light fixtures, climate control systems) (County of Santa Barbara 2017). Specific energy uses in indoor grow operations include high-intensity lighting, dehumidification to remove water vapor and avoid mold formation, space heating or cooling during non-illuminated periods and drying processes, preheating of irrigation water, generation of carbon dioxide (CO₂) from fossil fuel combustion, and ventilation and air conditioning to remove waste heat. Reliance on equipment can vary widely as a result of factors such as plant spacing, layout, and the surrounding climate of a given facility (CDFA 2017).

Comparatively, non-cultivation cannabis operations, such as distribution or retail sales, tend to involve typical commercial equipment and processes that may require minor to moderate amounts of power. These non-cultivation activities are subject to the CBC and 2019 *Building Energy Efficiency Standards*, and therefore do not typically result in wasteful or inefficient energy use. Activities and processes related to commercial cannabis do not typically require the demand for natural gas supplies, and it is assumed that such activities would represent a nominal portion of the county's total annual natural gas demand (County of Santa Barbara 2017).

Depending on the site and type of activities, cannabis operations may range in measures that promote the conservation of energy resources. For instance, several current operators are known to engage in practices that promote energy conservation and reduce overall energy demands using high-efficiency lighting or through generation and use of solar energy. However, many other operations within the County have been observed to engage in activities that are highly inefficient and may result in the wasteful use of energy resources. Such operations may include the use of old equipment, highly inefficient light systems (e.g., incandescent bulbs), reliance on multiple diesel generators, and other similar inefficiencies (County of Santa Barbara 2017).

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Discussion

- (a) *Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?*
- (b) *Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?*

Project Construction Activities

During construction, fossil fuels, electricity, and natural gas would be used by construction vehicles and equipment. The energy consumed during construction would be temporary in nature and would be typical of other similar construction activities in the county. Federal and state regulations in place require fuel-efficient equipment and vehicles and prohibit wasteful activities, such as diesel idling. Construction contractors, in an effort to ensure cost efficiency, would not be expected to engage in wasteful or unnecessary energy and fuel practices. Energy consumption during construction would not conflict with a state or local plan for renewable energy and would not be wasteful, unnecessary, or inefficient, and therefore would be less than significant.

Project Operations

Electricity and Natural Gas Use. Based on an analysis of cannabis cultivation operations throughout the County, it is assumed that cannabis cultivation projects typically use an insignificant amount of natural gas. Natural gas use is typically associated with cooking appliances and space heating, and neither of these uses are expected to be needed for cultivation projects, as indoor cultivation lighting produces sufficient heat needed for indoor or mixed-light cultivation operations. Accordingly, this assessment of impacts is based on electricity use.

The proposed greenhouses and associated lighting and the proposed processing/storage building would utilize a connection to PG&E infrastructure.

The CBC 2019 Building Energy Efficiency Standards include mandatory energy efficiency standards. The project's proposed 3,000-square-foot processing structure would be subject to the CBC 2019 Building Energy Efficiency Standards; therefore, the energy demand of these uses would not be wasteful, inefficient, or unnecessary.

U-occupancy structures, such as greenhouses used for cultivation activities, are exempt from CBC standards and therefore would not be subject to state-mandated energy efficiency design requirements or practices. As a result, these uses have the potential to result in wasteful, inefficient, or unnecessary energy consumption. Proposed indoor mixed-light cannabis cultivation activities would result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during operation if it utilizes significantly more energy (greater than 20%) than a generic commercial building of the same size. Based on the California Energy Commission Report prepared by Itron, Inc. (March 2006), a generic commercial building utilizes 21.25 kWh per square foot (kWh/sf) annually (13.63 kWh from electricity and 7.62 kWh from natural gas).

In order to calculate the proposed mixed-light and nursery facilities' energy demand, the County utilizes the energy consumption rates from the County of Santa Barbara Cannabis Energy Conservation Plan Electricity Use Calculation Form (County of Santa Barbara 2018). This calculation form contains formulas for estimating electricity use of cannabis operations. The form assumes that mixed-light (greenhouse) cultivation uses 110 kWh/sf annually. Based on the energy consumption rates from the County of Santa Barbara Cannabis Energy Conservation Plan Electricity Use Calculation

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Form, a preliminary estimate of the project's mixed-light facilities' energy demand was calculated and compared to the energy use of a standard commercial building of the same size as shown in Table 3 below.

Table 3. Energy Demand Comparison

	Size (sf)	Annual Energy Demand Rate (kWh/sf)	Projected Energy Demand (kWh/year)
Proposed Mixed-Light (Indoor) Cultivation and Nursery Activities	27,000 sf	110	2,970,000
Generic Commercial Building Uses	27,000 sf	21.25	573,750
Percent Project Energy Demand in Excess of Generic Commercial Building			518%

The proposed project would include 22,000 square feet of indoor mixed-light cannabis cultivation within seven proposed greenhouses and 5,000 square feet of nursery cultivation within one proposed greenhouse. Based on the energy consumption rates from the County of Santa Barbara Cannabis Energy Conservation Plan Electricity Use Calculation Form (County of Santa Barbara 2018), the project's expected energy consumption for the mixed-light cultivation activities would be approximately 2,970,000 kWh per year (kWh/year).

Based on the California Energy Commission Report, a generic non-cannabis commercial building uses approximately 21.25 kWh/year/sf, which would be equivalent to 573,750 kWh/year for a 27,000-square-foot building. Based on the energy consumption rates above, the proposed project's cultivation activities would use 518% more energy than a generic non-cannabis commercial building of the same square footage. This amount of energy use would potentially be wasteful and inefficient when compared to similar sized buildings implementing energy efficiency measures and, depending on the project's proposed energy sources, would have the potential to result in significant environmental impacts through associated GHG emissions.

Greenhouse Gas Emissions. Energy inefficiency contributes to higher GHG emissions and by nature would conflict with state and local plans for energy efficiency, including the policies of the COSE, the EWP goals, and the 2001 SLOAPCD CAP (additional background information on GHG Emissions is provided in Section VIII). The California Energy Emissions Model (CalEEMod) was utilized to determine the approximate GHG emissions from a standard mixed-light cultivation operation based on square footage of the proposed use in order to estimate the project's projected annual carbon dioxide equivalent emissions in metric tons (MTCO₂e; Table 4).

Table 4. Projected Project Operational GHG Emissions

Project Component	Size (sf)	Emissions Rate ¹ (Annual MTCO ₂ e/sf)	Estimated Projected Annual CO ₂ Emissions (MT/year)
Mixed-Light Cultivation (greenhouses)	27,000	0.058	1,566

¹ Source: County of San Luis Obispo Staff 2019. Assumptions include an energy use factor of 110 kWh/sf annually and energy source from Pacific Gas & Electric Company.

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Based on the CalEEMod emissions rate, the proposed project would result in approximately 1,566 MTCO₂e per year, which exceeds the SLOAPCD's Bright Line Threshold of 1,150 MTCO₂e. Mitigation Measures ENG-1 through ENG-3 would reduce the project's environmental impact from wasteful and inefficient energy use to less than significant through preparation of an Energy Conservation Plan prepared by a certified energy analyst, which would include measures such as enrollment in PG&E's renewable energy programs, structure retrofitting, use of renewable energy sources, and other strategies or programs that effectively reduce energy use and/or increase the project utilization ratio of GHG-free energy sources. The applicant would be required to implement one or more of these strategies/programs until the project's energy demand is reduced and/or offset to a level within 20% of the energy use of a standard commercial building of the same size (573,750 kWh/year) and project GHG emissions are reduced below the 1,150 MTCO₂e Brightline Threshold.

The project's energy use and use of energy resources would contribute cumulatively to use of energy resources within the vicinity. As proposed, the project would result in a substantial energy demand in comparison to standard commercial facilities of the same square footage. Mitigation measures ENG-1 through ENG-3 have been identified to reduce and/or offset project environmental impacts associated with energy usage through preparation of an Energy Conservation Plan and implementation of a combination of measures that would collectively reduce project energy use to a level within 20% of the energy use of a standard commercial building of the same size (573,750 kWh/year) and project GHG emissions are reduced below the 1,150 MTCO₂e Brightline Threshold. In addition, the project would be required to comply with CDFA regulations requiring electrical power used for commercial cannabis activities meet the average electricity GHG emissions intensity of their local utility provider, when they take effect in 2023. Therefore, upon implementation of identified mitigation measures, the project's individual impacts associated with energy use would be reduced to less than significant with mitigation.

Fuel Use. Ongoing operation of the project would result in fuel use associated with employee motor vehicle trips and deliveries. The project would employ up to twelve employees—up to two full-time regular and ten part-time/seasonal employees. All vehicles used by employees and deliveries during operation would be subject to applicable federal and state fuel economy standards. Based on adherence to applicable federal and state fuel regulations and the size and scope of proposed activities, project fuel use would not result in a potentially significant environmental impact and would not be wasteful, inefficient, or unnecessary.

Therefore, potential impacts associated with potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources and potential conflict with state or local plans regarding renewable energy or energy efficiency would be *less than significant with mitigation incorporated*.

Conclusion

The project would result in a potentially significant energy demand and inefficient energy use during long-term operations, which could lead to an increase in GHG emissions and result in potentially significant environmental impacts. Inefficient energy use would potentially conflict with state or local renewable energy or energy efficiency plans. Potential impacts related to energy would be less than significant with implementation of mitigation measures ENG-1 through ENG-3.

Mitigation

ENG-1 **Prior to issuance of building permits**, the applicant shall provide to the County Department of Planning and Building for review and approval an Energy Conservation Plan with measures

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that when implemented would reduce or offset the project's energy demand to within 20% of the energy use of a generic commercial building of the same size. The Energy Conservation Plan shall include the following:

- a. A detailed breakdown of energy demand prepared by a certified energy analyst. The energy breakdown shall include an estimate of total energy demand from all sources associated with all proposed cannabis cultivation activities, including, but not limited to, lighting, odor management, and climate control equipment. Such quantification shall be expressed in total kWh per year and non-electrical sources shall be converted to kWh per year.
- b. A program for providing a reduction or offset of all energy demand that is 20% or more above a generic commercial building of the same size. Such a program (or programs) may include, but is not limited to, the following:
 - i. Evidence that the project will permanently source project energy demands from renewable energy sources (e.g., solar, wind, hydro). This can include purchasing the project's energy demand from a clean energy source by enrolling PG&E's Solar Choice program or Regional Renewable Choice program or other comparable public or private program.
 - ii. Evidence documenting the permanent retrofit or elimination of equipment, buildings, facilities, processes, or other energy saving strategies to provide a net reduction in electricity demand and/or GHG emissions. Such measures may include the following:
 1. Participating in an annual energy audit.
 2. Upgrading and maintaining efficient heating/cooling/dehumidification systems.
 3. Implement energy efficient lighting, specifically LED over high-intensity discharge (HID) or high-pressure sodium (HPS) lighting.
 4. Implementing automated lighting systems.
 5. Utilizing natural light when possible.
 6. Utilizing an efficient circulation system.
 7. Ensuring that energy use is below or in-line with industry benchmarks.
 8. Implementing phase-out plans for the replacement of inefficient equipment.
 9. Adopting all or some elements of CalGreen Tier 1 and 2 measures to increase energy efficiency in greenhouses.
 - iii. Construction of a qualified renewable energy source such as wind, solar photovoltaics, biomass, etc., as part of the project. [Note: Inclusion of a renewable energy source shall also be included in the project description and may be subject to environmental review.]

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- iv. Any combination of the above or other qualifying strategies or programs that would achieve a reduction or offset of the project energy demand that is 20% or more above a generic commercial building of the same size.

ENG-2 **Prior to issuance of building permits**, the applicant shall provide to the County Department of Planning and Building for review and approval a program for providing a reduction or offset of GHG emissions below 1,152 MTCO₂e. Such a program (or programs) may include, but is not limited to, the following:

- c. Purchase of GHG offset credits from any of the following recognized and reputable voluntary carbon registries:
- i. American Carbon Registry;
 - ii. Climate Action Reserve; or
 - iii. Verified Carbon Standard.

Offsets purchased from any other source are subject to verification and approval by the County Department of Planning and Building.

- d. Installation of battery storage to offset nighttime energy use. Batteries may only be charged during daylight hours with a renewable energy source and shall be used as the sole energy supply during non-daylight hours.

ENG-3 **At time of quarterly monitoring inspection**, the applicant shall provide to the County Department of Planning and Building for review, a current energy use statement from the electricity provider (e.g., PG&E) that demonstrates energy use to date for the year. The applicant shall demonstrate continued compliance with ENG-1 and ENG-2 (e.g., providing a currently PG&E energy statement showing continuous enrollment in the Solar Choice program or Regional Renewable Choice program).

VII. GEOLOGY AND SOILS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The Alquist-Priolo Earthquake Fault Zoning Act (Alquist-Priolo Act) is a California state law that was developed to regulate development near active faults and mitigate the surface fault rupture potential and other hazards. The Alquist-Priolo Act identifies active earthquake fault zones and restricts the construction of habitable structures over known active or potentially active faults. San Luis Obispo County is located in a geologically

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complex and seismically active region. The Safety Element of the County of San Luis Obispo General Plan identifies three active faults that traverse through the county and are currently zoned under the Alquist-Priolo Act: the San Andreas, the Hosgri-San Simeon, and the Los Osos. The project site is not located within an Alquist-Priolo Fault Hazard Zone; the Rinconada fault zone traverses north-to-south approximately 1.93 miles west of the project parcel (CDOC 2015).

The project site is not located within the LUO Geologic Study Area (GSA) combining designation. Based on the Safety Element, the project site is located in an area with low landslide risk potential and liquefaction potential.

The project site is underlain by Valley Alluvial Sediments of the Pleistocene era (Diblee 2004). This type of underlying geologic material is considered to have moderate paleontological sensitivity (SWCA 2019).

Discussion

(a) *Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:*

(a-i) *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.*

The project site is not located within an Alquist-Priolo Fault Hazard Zone; however, the Rinconada fault zone traverses west of the project parcel (CDOC 2015). This fault has not seen activity in the past 700,000 years and is not considered active; however, it is considered potentially capable of producing an earthquake. All proposed structures would follow the regulations set forth in the CBC and thereby would be compliant with earthquake standards. Therefore, potential impacts related to the project location within known fault zones would be *less than significant*.

(a-ii) *Strong seismic ground shaking?*

The project would be required to comply with the CBC and other applicable standards to ensure the effects of a potential seismic event would be minimized through compliance with current engineering practices and techniques. The project does not include unique components that would be particularly sensitive to seismic ground shaking or result in an increased risk of injury or damage as a result of ground shaking. Implementation of the project would not expose people or structures to significant increased risks associated with seismic ground shaking; therefore, impacts would be *less than significant*.

(a-iii) *Seismic-related ground failure, including liquefaction?*

Based on the Safety Element Liquefaction Hazards Map, the project site is located in an area with low potential for liquefaction. In addition, the project would be required to comply with CBC seismic requirements to address the site's potential for seismic-related ground failure including liquefaction; therefore, the potential impacts would be *less than significant*.

(a-iv) *Landslides?*

The project site has relatively gentle topography and, based on the Safety Element Landslide Hazards Map, is located in an area with low potential for landslide risk. Therefore, the project would not result in significant adverse effects associated with landslides and impacts would be *less than significant*.

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(b) *Result in substantial soil erosion or the loss of topsoil?*

The project would result in the disturbance of approximately 5.7 acres, including less than 50 cubic yards of grading. During grading activities, there would be a potential for erosion to occur. A sedimentation and erosion control plan is required for all construction and grading projects (LUO Section 22.52.120) to minimize potential impacts related to erosion, and includes requirements for specific erosion control materials, setbacks from creeks, and siltation. In addition, the project would be subject to Regional Water Quality Control Board (RWQCB) requirements for preparation of a Storm Water Pollution Prevention Plan (SWPPP) (LUO Section 22.52.130), which may include the preparation of a Storm Water Control Plan to further minimize on-site erosion. Upon implementation of the above control measures, impacts related to soil erosion would be *less than significant*.

(c) *Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?*

Based on the Safety Element Landslide Hazards Map, the project site is not located in an area with high landslide risk. Based on the Safety Element and U.S. Geological Survey (USGS) data, the project is not located in an area of historical or current land subsidence (USGS 2019) and is located in an area with low potential for liquefaction risk. Due to the distance to the nearest active fault zone and topography of the project site, lateral spreading is not likely to occur on-site. The project would be required to comply with the CBC standards designed to significantly reduce potential risks associated with unstable earth conditions. Therefore, impacts related to on- or off-site landslides, lateral spreading, subsidence, liquefaction, or collapse would be *less than significant*.

The project would be required to comply with CBC seismic requirements to address potential seismic-related ground failure including lateral spread. Based on the Safety Element and USGS data, the project is not located in an area of historical or current land subsidence (USGS 2019). Based on the Safety Element Liquefaction Hazards Map, the project site is located in an area with low potential for liquefaction risk and the project is not located within the GSA combining designation. Therefore, impacts related to on- or off-site landslides, lateral spreading, subsidence, liquefaction, or collapse would be *less than significant*.

(d) *Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?*

The entirety of the project site proposed for development is underlain by Lockwood-Concepcion Complex, 2-9 percent slopes. This soil has a moderate to high shrink-swell (expansion) potential (USDA 1983). Expansive soils tend to swell with seasonal increases in moisture and shrink during the dry season as subsurface moisture decreases. Volume changes that this type of soil undergoes can result in stress and damage to slabs and foundations if precautionary measures are not incorporated into the design and construction procedures. According to the NRCS soil survey for the area, the Concepcion soil has severe limitations for building sites and roads and streets because of the high shrink-swell potential and low strength of the subsoil. All proposed structures would be designed and constructed to comply with CBC requirements to minimize safety hazards associated with expansive soils, including preparation of soil tests to determine the presence or absence of expansive soils on proposed building sites, and preparation of a geotechnical report to include recommendations for

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foundation type and design criteria and provisions to mitigate the effects of expansive soils, as necessary therefore, impacts would be *less than significant*.

- (e) *Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?*

The entirety of the project site proposed for development is underlain by Lockwood-Concepcion Complex, 2-9 percent slopes. Based on the NRCS soil survey, the slow absorption of effluent in septic tank absorption fields installed in this unit of soil can be overcome by increasing the size of the absorption area. Based on the proposed uses and location, the new septic system would meet Tier 1 minimum horizontal setbacks including distance from parcel property lines and structures, distance from existing wells unstable land masses and surface water bodies. In order to demonstrate full compliance with Tier 1 minimum site evaluation and siting standards, the proposed septic system location would need to be evaluated by a qualified professional to perform all necessary soil and site evaluations including soil depth, level of groundwater, and percolation rates. This would be required through the building permit process. Therefore, impacts related to soil suitability for septic tanks would be *less than significant*.

- (f) *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

The project site is underlain by Valley Alluvial Sediments of the Pleistocene era and this subsurface geological unit has moderate paleontological sensitivity (Diblee 2004; SWCA 2019). However, the proposed earth movement is minimal (less than 50 cubic yards) and no substantial quantities or deep cuts into the land are proposed. Therefore, the project would not result in the disturbance of paleontological resources and impacts would be *less than significant*.

Conclusion

The project site is not within the GSA combining designation or an area of high risk of landslide, liquefaction, subsidence, or other unstable geologic conditions. The project would be required to comply with CBC and standard LUO requirements that have been developed to properly safeguard against seismic and geologic hazards. Therefore, potential impacts related to geology and soils would be *less than significant* and no mitigation measures are necessary.

Mitigation

None necessary.

VIII. GREENHOUSE GAS EMISSIONS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting

GHGs are any gases that absorb infrared radiation in the atmosphere, and are different from the criteria pollutants discussed in Section III, Air Quality, above. The primary GHGs that are emitted into the atmosphere as a result of human activities are carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), and fluorinated gases. These are most commonly emitted through the burning of fossil fuels (oil, natural gas, and coal), agricultural practices, decay of organic waste in landfills, and a variety of other chemical reactions and industrial processes (e.g., the manufacturing of cement).

CO₂ is the most abundant GHG and is estimated to represent approximately 80–90% of the principal GHGs that are currently affecting the earth's climate. According to the CARB, transportation (vehicle exhaust) and electricity generation are the main sources of GHGs in the state.

In March 2012, the SLOAPCD approved thresholds for GHG emission impacts, and these thresholds have been incorporated into the CEQA Air Quality Handbook. The Bright-Line Threshold of 1,150 MTCO₂e/yr is the most applicable GHG threshold for most projects. Table 1-1 in the SLOAPCD CEQA Air Quality Handbook provides a list of general land uses and the estimated sizes or capacity of those uses expected to exceed the GHG Bright Line Threshold of 1,150 MTCO₂/yr. Projects that exceed the criteria or are within 10% of exceeding the criteria presented in Table 1-1 are required to conduct a more detailed analysis of air quality impacts.

Under CEQA, an individual project's GHG emissions will generally not result in direct significant impacts. This is because the climate change issue is global in nature. However, an individual project could be found to contribute to a potentially significant cumulative impact. Projects that have GHG emissions above the noted thresholds may be considered cumulatively considerable and require mitigation.

In October 2008, the CARB published its *Climate Change Proposed Scoping Plan*, which is the state's plan to achieve GHG reductions in California required by Assembly Bill (AB) 32. The Scoping Plan included CARB-recommended GHG reductions for each emissions sector of the state's GHG inventory. The largest proposed GHG reduction recommendations were associated with improving emissions standards for light-duty vehicles, implementing the Low Carbon Fuel Standard program, implementation of energy efficiency measures in buildings and appliances, the widespread development of combined heat and power systems, and developing a renewable portfolio standard for electricity production.

Senate Bill (SB) 32 and Executive Order (EO) S-3-05 extend the state's GHG reduction goals and require CARB to regulate sources of GHGs to meet a state goal of reducing GHG emissions to 1990 levels by 2020, 40% below 1990 levels by 2030, and 80% below 1990 levels by 2050. The initial Scoping Plan was first approved by CARB on December 11, 2008, and is updated every 5 years. The first update of the Scoping Plan was approved by the CARB on May 22, 2014, which looked past 2020 to set mid-term goals (2030–2035) toward reaching the 2050 goals. The most recent update released by CARB is the 2017 Climate Change Scoping Plan, which was

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released in November 2017. The 2017 Climate Change Scoping Plan incorporates strategies for achieving the 2030 GHG-reduction target established in SB 32 and EO S-3-05.

Discussion

- (a) *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*
- (b) *Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

As discussed in Section VI, Energy, the project would result in inefficient or wasteful energy use that would contribute to higher GHG emissions and by nature would be in conflict with state and local plans for the reduction of GHG emissions, including the policies of the COSE, the EWP goals, and the 2001 SLOAPCD CAP. As shown in Table 3 (see Section VI, Energy), the project would exceed the SLOAPCD Bright-Line Threshold of 1,150 MT CO₂e/year. Mitigation measures ENG-1 through ENG-3 have been identified to reduce or offset the project's GHG emissions to a less-than-significant level. In addition, the project would be required to comply with CDFA regulations requiring electrical power used for commercial cannabis activities meet the average electricity GHG emissions intensity of their local utility provider, when they take effect in 2023. Potential impacts would be *less than significant with mitigation*.

Conclusion

The project would result in potentially significant GHG emissions during long-term operations and would potentially conflict with plans adopted to reduce GHG emissions. Implementation of mitigation measures ENG-1, ENG-2, and ENG-3 would reduce potential impacts to less than significant.

Mitigation

Implement measures ENG-1 through ENG-3.

IX. HAZARDS AND HAZARDOUS MATERIALS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The Hazardous Waste and Substances Site List (Cortese List), which is a list of hazardous materials sites compiled pursuant to California Government Code (CGC) Section 65962.5, is a planning document used by the state, local agencies, and developers to comply with CEQA requirements related to the disclosure of information about the location of hazardous materials release sites. The project would not be located in an area of known hazardous material contamination and is not on a site listed on the Cortese List (SWRCB 2015; California Department of Toxic Substance Control [DTSC] 2019).

The County has adopted general emergency plans for multiple potential natural disasters, including the Local Hazard Mitigation Plan, County Emergency Operations Plan, Earthquake Plan, Dam and Levee Failure Plan, Hazardous Materials Response Plan, County Recovery Plan, and the Tsunami Response Plan.

The California Health and Safety Code provides regulations pertaining to the abatement of fire-related hazards and requires that local jurisdictions enforce the CBC, which provides standards for fire resistive building and roofing materials, and other fire-related construction methods. The Safety Element of the County

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of San Luis Obispo General Plan provides a Fire Hazard Zones Map that indicates unincorporated areas in the county within moderate, high, and very high fire hazard severity zones. The project would be located within the State Responsibility Area in a high fire hazard severity zone. Based on CAL FIRE's referral response letter, it would take approximately 10-15 minutes to respond to a call regarding fire or life safety. For more information about fire-related hazards and risk assessment, see Section XX, Wildfire.

The project would be not located within an Airport Review Area and there are no active public or private landing strips within the immediate project vicinity.

Discussion

- (a) *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

The project does not propose the routine transport, use or disposal of hazardous substances. Any commonly used hazardous substances within the project site (e.g., cleaners, solvents, oils, paints, etc.) would be transported, stored, and used according to regulatory requirements and existing procedures for the handling of hazardous materials. Impacts associated with the routine transport of hazardous materials would be *less than significant*.

- (b) *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

Oils, gasoline, lubricants, fuels, and other potentially hazardous substances would be used and temporarily stored on-site during construction activities. A spill or leak of these materials under accident conditions during operation or construction activities could create a hazard to the environment. Refilling, use, and dispensing procedures of these materials would be required to be conducted in accordance with the California Fire Code and the project Storage and Hazard Response Plan during operation and construction to limit spill potential. Therefore, impacts would be *less than significant*.

- (c) *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*

The closest school facility is located approximately 1.312 miles northwest of the project site. The project site is not located within 0.25 mile of an existing or proposed school; therefore, *no impacts* would occur.

- (d) *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

Based on the California DTSC's Envirostor and SWRCB's GeoTracker, the proposed project site is not listed on or located in close proximity to a site listed on the Cortese List, which is a list of hazardous materials sites compiled pursuant to CGC Section 65962.5. Therefore, *no impacts* would occur.

- (e) *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?*

The nearest airstrip in proximity to the project site is the Paso Robles Municipal Airport, located approximately 5.52 miles northwest of the site. The project is not located within an Airport Review designation or within close proximity of a private airstrip; therefore, *no impacts* would occur.

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- (f) *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*
- The project does not require any road closures and would be designed to accommodate emergency vehicle access. The project would not impair implementation or physically interfere with County hazard mitigation or emergency plans; therefore, *impacts would be less than significant*.
- (g) *Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?*
- The proposed project is located in a high fire severity zone and is located in a State Responsibility Area. The applicant would be required to comply with all applicable standards of the California Fire Code, which requires, among other things, a dedicated water storage tank for firefighting, a fire pump, and emergency vehicle access improvements. Upon implementation of these provisions, the project would have a *less than significant impact* related to exposure of people and structures to risks from wildfire.

Conclusion

No significant impacts as a result of hazards or hazardous materials are anticipated, and no mitigation measures are necessary.

Mitigation

None necessary.

X. HYDROLOGY AND WATER QUALITY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(i) Result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iv) Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting

The RWQCB's Water Quality Control Plan for the Central Coast Basin (Basin Plan; RWQCB 2017) describes how the quality of surface water and groundwater in the Central Coast Region should be managed to provide the highest water quality reasonably possible. The Basin Plan outlines the beneficial uses of streams, lakes, and other water bodies for humans and other life. There are 24 categories of beneficial uses, including, but not limited to, municipal water supply, water contact recreation, non-water contact recreation, and cold freshwater habitat. Water quality objectives are then established to protect the beneficial uses of those water resources. The RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements to individuals, communities, or businesses whose discharges can affect water quality.

The project site is in the Paso Robles Groundwater Basin, which has been assigned a Level of Severity III by the 2016-2018 Resource Management System Summary Report. The Board of Supervisors adopted Resolution 2015-288 in 2015 to establish the Countywide Water Conservation Program (CWWCP) in response to the declining water levels in the Nipomo Mesa Water Conservation Area (NMWCA) part of Santa Maria Groundwater Basin), Los Osos Groundwater Basin (LOGWB), and the Paso Robles Groundwater Basin (PRGWB). A key strategy of the CWWCP is to ensure all new construction and new or expanded agriculture will offset its predicted water use by reducing existing water use on other properties within the same water basin. In addition, LUO Section 22.040.050(5) requires all cannabis cultivation sites located within a groundwater basin with a Level of Severity III to provide an estimate of water use associated with cultivation activities, and

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a description of how the new water use will be offset. All water demand within a groundwater basin with LOS III is required to offset at a minimum 1:1 ratio, and all water demand within an identified Area of Severe Decline shall offset at a ratio of 2:1, unless a greater offset is required through the land use permit approval process. The project site is located in an Area of Severe Decline.

Cannabis cultivators that plan to divert surface water need a water right to irrigate cannabis. The SWRCB Cannabis Policy requires cannabis cultivators to forbear (or cease) from diverting surface water during the dry season, which starts April 1 and ends October 31 of each calendar year. This means that water must be diverted during the wet season and stored for use during the dry season. Water is required to be stored off-stream. The Cannabis Small Irrigation Use Registration (SIUR) is a streamlined option to obtain a small appropriative water right (less than 6.6 acre-feet per year) to divert and store surface water to irrigate commercial cannabis crops.

The LUO dictates which projects are required to prepare a drainage plan, including any project that would, for example, change the runoff volume or velocity leaving any point of the site, result in an impervious surface of more than 20,000 square feet, or involve hillside development on slopes steeper than 10 percent. Preparation of a drainage plan is not required where grading is exclusively for an exempt agricultural structure, crop production, or grazing. The LUO also dictates that an erosion and sedimentation control plan is required year-round for all construction and grading permit projects and site disturbance activities of one-half acre or more in geologically unstable areas, on slopes steeper than 30 percent, on highly erodible soils, or within 100 feet of any watercourse.

Per the County's Stormwater Program, the County Department of Public Works is responsible for ensuring that new construction sites implement Best Management Practices (BMPs) during construction, and that site plans incorporate appropriate post-construction stormwater runoff controls. Construction sites that disturb 1 acre or more must obtain coverage under the SWRCB's Construction General Permit. The Construction General Permit requires the preparation of a SWPPP to minimize on-site sedimentation and erosion. There are several types of projects that are exempt from preparing a SWPPP, including routine maintenance to existing developments, emergency construction activities, and projects exempted by the SWRCB or RWQCB. Projects that disturb less than 1 acre must implement all required elements within the site's erosion and sediment control plan as required by the LUO.

For planning purposes, the flood event most often used to delineate areas subject to flooding is the 100-year flood. The Safety Element of the County of San Luis Obispo General Plan establishes policies to reduce flood hazards and reduce flood damage, including, but not limited to, prohibition of development in areas of high flood hazard potential, discouragement of single-road access into remote areas that could be closed during floods, and review of plans for construction in low-lying areas.

Discussion

- (a) *Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?*

The project would result in approximately 5.7 acres of site disturbance, including less than 50 cubic yards of grading. The project would be subject to standard County requirements for drainage, sedimentation, and erosion control for construction and operation. Because the project would result in more than 1 acre of site disturbance, the applicant would be required to prepare a SWPPP to ensure appropriate BMPs are implemented during construction activities to control storm water runoff.

All potentially hazardous materials would be stored, refilled, and dispensed on-site in full compliance with applicable County Department of Environmental Health standards. The project would include the

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use of organic pesticides and fertilizers on-site. These products would be stored in secure storage containers within the proposed office/storage building. All pesticides would be registered and regulated by federal and state government codes, with the County Agricultural Commissioner being the primary local regulator. Based on the distance from the nearest creek or water feature, and compliance with existing County and state water quality, sedimentation, and erosion control standards, the project would not result in a violation of any water quality standards, discharge into surface waters, or otherwise alter surface water quality; therefore, impacts would be *less than significant*.

- (b) *Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?*

The project's total estimated annual water use is approximately ~~2,157,480~~ ~~898,488~~ gallons (5.28 ~~2.76~~ acre-feet), which would be drawn from an existing on-site well. Based on information from the applicant, the well produces 67 gallons per minute.

Based on the location and depth of the on-site well that would support the operation, the well draws water from the Paso Robles Formation aquifer within the PRGWB, which is categorized as being in a state of critical overdraft and is located within the area that is categorized as being in severe decline (Spring Well Decline 1997–2013; County of San Luis Obispo 2018) and is required to offset water usage at a 2:1 ratio per LUO requirements. A water demand analysis prepared for the project (Civil Design Solutions 2019) estimates that the total water demand for the project would be ~~5.28~~ ~~2.76~~ acre-feet per year (AFY). Per the CWWCP, the project applicant would be required to offset this new water use at a 2:1 ratio through installation of efficient water systems and fixtures and/or participation in an approved water conservation program, as detailed in mitigation measures WQ-1 and WQ-2. Offsetting the water demand of the proposed project in accordance with the CWWCP would result in a net-neutral water demand on the groundwater basin; therefore, impacts related to available surface or ground water would be *less than significant with mitigation*.

- (c) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:*

- (c-i) *Result in substantial erosion or siltation on- or off-site?*

The project would not result in the substantial alteration of the existing drainage pattern of the project site. The project would be required to comply with all National Pollution Discharge Elimination System (NPDES) requirements and prepare a SWPPP that incorporates BMPs during construction. Water quality protection measures would include protection of stockpiles, protection of slopes, protection of all disturbed areas, protection of access roads, and perimeter containment measures. Therefore, potential impacts associated with erosion and siltation from substantial alteration of the existing on-site drainage pattern would be *less than significant*.

- (c-ii) *Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?*

The project would not substantially increase the amount of impervious surface area or the rate and volume of surface runoff in a manner that could result in flooding on- or off-site. The proposed outdoor cultivation areas would occur in-ground, in cloth pots, or in aboveground planters, and would include the use of cannabis hoop structures. Based on the nature and size of the project, overall changes in surface hydrology would be negligible. Therefore, potential impacts related to increased surface runoff resulting in flooding would be *less than significant*.

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- (c-iii) *Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?*

The project would not substantially increase the amount of impervious surface area or the rate and volume of surface runoff in a manner that could exceed the capacity of existing stormwater or drainage systems. Based on the nature and size of the project, changes in surface hydrology would be negligible. Therefore, potential impacts related to increased surface runoff exceeding stormwater capacity would be *less than significant*.

- (c-iv) *Impede or redirect flood flows?*

Based on the County Flood Hazard Map, the project site is not located within a 100-year flood zone. The project would be subject to standard County requirements for drainage, sedimentation, and erosion control for construction and operation. Therefore, *no impacts would occur*.

- (d) *In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?*

Based on the Safety Element Flood Hazard Map, the project site is not located within a 100-year flood zone (County of San Luis Obispo 2013). Based on the San Luis Obispo County Tsunami Inundation Maps, the project site is not located in an area with potential for inundation by a tsunami (CDOC 2019). The project site is not located within close proximity to a standing body of water with the potential for a seiche to occur. Therefore, the project site has no potential to release pollutants due to project inundation and *no impacts would occur*.

- (e) *Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?*

The project is located within the PRGWB, which is categorized as being in a state of critical overdraft, and is located outside the area that is categorized as being in severe decline (County of San Luis Obispo 2018) and is required to offset water usage at a 2:1 ratio per LUO requirements. The project applicant would be required to offset this new water use through installation of efficient water systems and fixtures and/or participation in an approved water conservation program, as detailed in mitigation measures WQ-1 and WQ-2. Therefore, potential impacts associated with conflict or obstruction of a water quality control plan or sustainable groundwater management plan would be *less than significant with mitigation*.

Conclusion

Compliance with existing regulations and/or required plans in addition to implementation of mitigation measures WQ-1 and WQ-2 would adequately reduce potential impacts associated with hydrology and water quality to be less than significant.

Mitigation

WQ-1

Prior to issuance of building permits (or prior to establishment of the use), all applicants for cannabis related activities within the Paso Robles Groundwater Basin shall provide to the County of San Luis Obispo Department of Planning and Building for review and approval a Water Conservation Plan with a package of measures that, when implemented, will achieve the water demand offset required by Land Use Ordinance Sections 22.40.050 D. 5, 22.40.060 D.5, and 22.94.025 F and Building Ordinance Section 19.07.042 (4). The Water Conservation Plan shall include the following:

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- a. The quantification of water demand expressed in total acre-feet per year, consistent with the Water Management Plan required by Land Use Ordinance Sections 22.40.050 C. 1 and 22.40.060 C.1.
- b. A program for achieving a water demand offset of the quantified water demand as required by Land Use Ordinance Sections 22.40.050.D.5, 22.40.060 D.5, and 22.94.025 F and Building Ordinance Section 19.07.042 (4). Such a program may include, but is not limited to, the following:
 - i. The permanent installation of water facilities and/or infrastructure to improve the efficient use of water on existing irrigated agricultural lands within the basin. Such improvements shall be accompanied by an audit of existing agricultural water demand prepared by an Agricultural Engineer, or other licensed engineer or qualified professional as approved by the Director of Planning and Building. Water efficiency improvements may include, but are not limited to, the following:
 1. Drip irrigation.
 2. Smart controllers. Irrigation controllers that are climatologically controlled without human intervention, that adjust irrigation based on the amount of moisture lost from soil and plant material since the previous irrigation by utilizing climate data (evapo-transpiration rates) broadcast to the controller from the California Irrigation Management Information System and other sources, and that have been tested and certified 100% for irrigation adequacy and schedule shall be installed and maintained on all irrigated and landscaped areas.
 3. Installation of float valves on water tanks to prevent tanks from overflowing.
 4. Converting from using overhead sprinklers to wind machines for frost protection. [Note: The installation of wind machines shall be included in the project description for cannabis activities and subject to environmental review.]
 5. Installation of rainwater catchment systems to reduce demand on groundwater. [Note: The installation of rainwater catchment facilities shall be included in the project description for cannabis activities and subject to environmental review.]
 - ii. Participation in an approved water conservation program within the Paso Robles Groundwater Basin that is verifiable, results in a permanent reduction of water demand equal to, or exceeding, the required water demand offset, and has been subject to environmental review.
 - iii. Any combination of the above or other qualifying strategies or programs that would achieve the required water demand offset.
- c. The water demand offset documented by the Water Conservation Plan shall be verifiable and permanent and shall not result in adverse environmental effects beyond those assessed by the California Environmental Quality Act compliance document for the proposed cannabis project.

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- WQ-2** **At the time of quarterly monitoring inspection,** the applicant shall provide to the County of San Luis Obispo Department of Planning and Building for review, evidence that the water efficiency improvements associated with the approved Water Conservation Program remain in full effect and are continuing to achieve the required water demand offset associated with the approved cannabis activities.

XI. LAND USE AND PLANNING

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting

The LUO was established to guide and manage the future growth in the county in accordance with the County of San Luis Obispo General Plan; regulate land use in a manner that will encourage and support orderly development and beneficial use of lands; minimize adverse effects on the public resulting from inappropriate creation, location, use, or design of buildings or land uses; and protect and enhance significant natural, historic, archeological, and scenic resources within the county. The LUO is the primary tool used by the County to carry out the goals, objectives, and policies of the General Plan.

The Land Use Element (LUE) of the County of San Luis Obispo General Plan provides policies and standards for the management of growth and development in each unincorporated community and rural areas of the county and serves as a reference point and guide for future land use planning studies throughout the county. The LUE identifies strategic growth principles to define and focus the County's proactive planning approach and balance environmental, economic, and social equity concerns. Each strategic growth principle correlates with a set of policies and implementation strategies that define how land will be used and resources protected. The LUE also defines each of the 14 land use designations and identifies standards for land uses based on the designation they are located within. The project parcel and surrounding properties are all within the Agriculture land use designation.

The inland LUE also contains the area plans of each of the four inland planning areas: Carrizo, North County, San Luis Obispo, and South County. The area plans establish policies and programs for land use, circulation, public facilities, services, and resources that apply "areawide," in rural areas, and in unincorporated urban areas within each planning area. Part three of the LUE contains each of the 13 inland community and village plans, which contain goals, policies, programs, and related background information for the County's unincorporated inland urban and village areas. The project site is located within the El Pomar-Estrella subarea of the North County Planning Area.

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Discussion

(a) *Physically divide an established community?*

The project does not propose project elements or components that would physically divide the site from surrounding areas and uses. The project would be consistent with the general level of development within the project vicinity and would not create, close, or impede any existing public or private roads, or create any other barriers to movement or accessibility within the community. Therefore, the proposed project would not physically divide an established community and *no impacts would occur*.

(b) *Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?*

The proposed project components are allowed uses within the property's land use designation and would be generally consistent with the guidelines and policies for development within the applicable area plan, inland LUO, and COSE. The project has been located and designed to minimize potential environmental impacts (e.g., not visible from surrounding roadways, avoid removal of oak trees to the greatest extent feasible, etc.) and would be required to comply with applicable County plans and policies intended to reduce environmental impacts (e.g., sedimentation and erosion control requirements, LUO odor control requirements, etc.). Mitigation measures WQ-1 and WQ-2 have been identified to detail allowable methods for the project to achieve compliance with the CWWCP, therefore, the project would not conflict with policies or regulations adopted for the purpose of avoiding or mitigating environmental effects and impacts would be *less than significant with mitigation*.

Conclusion

Upon implementation of mitigation measures WQ-1 and WQ-2, the project would be consistent with all local and regional land use designations, plans, and policies adopted for the purpose of avoiding or mitigating environmental effects. The project would not result in the division of an established community. Therefore, upon implementation of the measures identified below, potential impacts related to land use and planning would be less than significant.

Mitigation

Implement mitigation measures WQ-1 and WQ-2.

XII. MINERAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(b) Result in the loss of availability of a locally- important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting

The California Surface Mining and Reclamation Act of 1975 (SMARA) requires that the State Geologist classify land into mineral resource zones (MRZ) according to the known or inferred mineral potential of the land (California PRC Sections 2710–2796).

The three MRZs used in the SMARA classification-designation process in the San Luis Obispo-Santa Barbara Production-Consumption Region are defined below (California Geological Survey [CGS] 2015):

- **MRZ-1:** Areas where available geologic information indicates that little likelihood exists for the presence of significant mineral resources.
- **MRZ-2:** Areas where adequate information indicates that significant mineral deposits are present, or where it is judged that a high likelihood for their presence exists. This zone shall be applied to known mineral deposits or where well-developed lines of reasoning, based upon economic-geologic principles and adequate data, demonstrate that the likelihood for occurrence of significant mineral deposits is high.
- **MRZ-3:** Areas containing known or inferred aggregate resources of undetermined significance.

The LUO provides regulations for development in delineated Energy and Extractive Resource Areas (EX) and Extractive Resource Areas (EX1). The EX combining designation is used to identify areas of the county where:

1. Mineral or petroleum extraction occurs or is proposed to occur;
2. The state geologist has designated a mineral resource area of statewide or regional significance pursuant to California PRC Sections 2710 et seq. (SMARA); and
3. Major public utility electric generation facilities exist or are proposed.

The purpose of this combining designation is to protect significant resource extraction and energy production areas identified by the LUE from encroachment by incompatible land uses that could hinder resource extraction or energy production operations, or land uses that would be adversely affected by extraction or energy production.

Discussion

- (a) *Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?*

Based on the CGS Information Warehouse for Mineral Land Classification, the project site is located within an area that has been evaluated for mineral resources aggregate materials but is not located in a designated mineral resource extraction area. The project would not be located in the area of an active mine since active mines are located in the Salinas riverbed, which is 2.23 miles west of the

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project site (CGS 2015). In addition, based on COSE Chapter 6, Minerals, the project site is not located within an extractive resource area or an energy and extractive resource area. Therefore, impacts related to the loss of availability of a known mineral resource would be *less than significant*.

- (b) *Result in the loss of availability of a locally- important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?*

The project is not located within a designated mineral resource zone or within an Extractive Resource Area combining designation. There are no known mineral resources in the project area; therefore, *no impacts would occur*.

Conclusion

No impacts to mineral resources would occur and no mitigation measures are necessary.

Mitigation

None necessary.

XIII. NOISE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project result in:</i>				
(a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting

The Noise Element of the County of San Luis Obispo General Plan provides a policy framework for addressing potential noise impacts in the planning process. The purpose of the Noise Element is to minimize future noise conflicts. The Noise Element identifies the major noise sources in the county (highways and freeways, primary arterial roadways and major local streets, railroad operations, aircraft and airport operations, local industrial facilities, and other stationary sources) and includes goals, policies, and implementation programs to reduce

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future noise impacts. Among the most significant policies of the Noise Element are numerical noise standards that limit noise exposure within noise-sensitive land uses and performance standards for new commercial and industrial uses that might adversely impact noise-sensitive land uses.

Noise sensitive uses that have been identified by the County include the following:

- Residential development, except temporary dwellings
- Schools (preschool to secondary, college and university, and specialized education and training)
- Health care services (e.g., hospitals, clinics, etc.)
- Nursing and personal care
- Churches
- Public assembly and entertainment
- Libraries and museums
- Hotels and motels
- Bed and breakfast facilities
- Outdoor sports and recreation
- Offices

All sound levels referred to in the Noise Element are expressed in A-weighted decibels (dBA). A-weighting de-emphasizes the very low and very high frequencies of sound in a manner similar to the human ear.

The LUO establishes acceptable standards for exterior and interior noise levels and describe how noise shall be measured. Exterior noise level standards are applicable when a land use affected by noise is one of the sensitive uses listed in the Noise Element. Exterior noise levels are measured from the property line of the affected noise-sensitive land use.

Table 5. Maximum Allowable Exterior Noise Level Standards⁽¹⁾

Sound Levels	Daytime 7 a.m. to 10 p.m.	Nighttime ⁽²⁾
Hourly Equivalent Sound Level (L _{eq} , dB)	50	45
Maximum level, dB	70	65

¹ When the receiving noise-sensitive land use is outdoor sports and recreation, the noise level standards are increased by 10 db.

² Applies only to uses that operate or are occupied during nighttime hours.

Discussion

- (a) *Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

The project includes minor grading activities and construction of seven 3,000-square-foot greenhouses, one 5,000-square-foot greenhouse, and a 3,000-square-foot processing structure. These construction activities would have the potential to generate short-term construction noise. All construction activities would be limited to the daytime hours of 7:00 a.m. to 9:00 p.m. Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturday or Sunday, in accordance with County construction noise standards (County Code Section 22.10.120.A). In addition, these activities would occur at a

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minimum of 0.42 mile (2,220 feet) from sensitive receptors. All construction noises would considerably attenuate over this distance and would not approach or exceed Noise Element thresholds.

The project proposes the use of odor control systems, including carbon scrubbers within the proposed greenhouses and processing building, which would result in new sources of stationary noise during project operation. Climate controls (heating, ventilation, and air conditioning systems (HVAC) including evaporative through-wall coolers, and dehumidifiers) are not proposed at this time, but could be used in the greenhouse and processing building in the future. Based on a general evaluation of HVAC equipment specifications used for greenhouses, noise associated with the use of wall- or roof-mounted HVAC and odor mitigation equipment associated with the proposed greenhouses would be expected to generate noise levels of approximately 65 dBA at a distance of 25 feet from the source. Noise naturally attenuates (diminishes) at a rate of 6 dB per doubling of distance (OSHA 2013), so noise levels at the nearest property lines approximately 325 feet away from these proposed uses would be approximately 41 decibels, which would be below the general noise level of normal conversation (CDC 2018) and would be well below the maximum allowable nighttime exterior noise standard (65dB) and the maximum hourly equivalent nighttime noise standard (45 dB) set forth in the County Noise Element.

Therefore, based on the distance of the proposed noise sources and surrounding receptors, project noise impacts would be *less than significant*.

(b) *Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?*

The project does not propose substantial grading/earthmoving activities, pile driving, or other high-impact activities that would generate substantial groundborne noise or groundborne vibration during construction. Construction equipment has the potential to generate minor groundborne noise and/or vibration, but these activities would be limited in duration and are not likely to be perceptible from adjacent areas. The project does not propose a use that would generate long-term operational groundborne noise or vibration. Therefore, impacts related to exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels would be *less than significant*.

(c) *For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?*

The nearest airstrip in proximity to the project site is the Paso Robles Municipal Airport, located approximately 5.52 miles northwest of the site. The project site is not located within an Airport Review designation or adjacent to a private airstrip; therefore, *no impacts would occur*.

Conclusion

Short-term construction activities would be limited in nature and duration and conducted during daytime periods per County LUO standards. No long-term operational noise or ground vibration would occur as a result of the project. Therefore, potential impacts related to noise would be less than significant and no mitigation measures are necessary.

Mitigation

None necessary.

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XIV. POPULATION AND HOUSING

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting

The Housing Element of the County of San Luis Obispo General Plan recognizes the difficulty for residents to find suitable and affordable housing within San Luis Obispo County. The Housing Element includes an analysis of vacant and underutilized land located in urban areas that is suitable for residential development and considers zoning provisions and development standards to encourage development of these areas. Consistent with state housing element laws, these areas are categorized into potential sites for very low- and low-income households, moderate-income households, and above moderate-income households.

The County's Inclusionary Housing Ordinance requires the provision of new affordable housing in conjunction with both residential and nonresidential development and subdivisions. In its efforts to provide for affordable housing, the County currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provide limited financing to projects relating to affordable housing throughout the county.

Discussion

- (a) *Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

The project proposes cannabis activities within a rural area and would employ up to two full-time employees and up to ten additional part-time/seasonal employees during harvest times. The general scope and scale of the proposed activities would not directly or indirectly induce substantial population growth in the area and would not result in a need for a significant amount of new housing nor displace any housing in the area. In addition, the project would be subject to inclusionary housing fees to offset any potential increased need for housing in the area. Therefore, impacts to housing and population would be *less than significant*.

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- (b) *Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

The project would not displace existing housing or necessitate the construction of replacement housing elsewhere; therefore, *no impacts would occur*.

Conclusion

No impacts to population and housing would occur and no mitigation measures are necessary.

Mitigation

None necessary.

XV. PUBLIC SERVICES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

Fire protection services in unincorporated San Luis Obispo County are provided by CAL FIRE, which has been under contract with the County to provide full-service fire protection since 1930. Approximately 180 full-time state employees operate the County Fire Department, supplemented by as many as 100 state seasonal fire fighters, 300 County paid-call and reserve fire fighters, and 120 state inmate fire fighters. CAL FIRE responds to emergencies and other requests for assistance, plans for and takes action to prevent emergencies and reduce their impact, coordinates regional emergency response efforts, and provides public education and training in local communities. CAL FIRE has 24 fire stations located throughout the county, and the project

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would be served by CAL FIRE station #30, located approximately 2.98 miles west of the project site in the community of Templeton. Based on the referral response letter received from CAL FIRE regarding the proposed project, emergency personnel would be able to reach the site within 10 minutes of receiving a call.

Police protection and emergency services in the unincorporated portions of the county are provided by the San Luis Obispo County Sheriff's Office. The Sheriff's Office Patrol Division responds to calls for service, conducts proactive law enforcement activities, and performs initial investigations of crimes. Patrol personnel are deployed from three stations throughout the county, the Coast Station in Los Osos, the North Station in Templeton, and the South Station in Oceano. The project would be served by the County Sheriff's Office, and the nearest sheriff station is located approximately 3.48 miles southwest of the project site, in the community of Templeton.

San Luis Obispo County has a total of 12 school districts that currently enroll approximately 34,000 students in over 75 schools. The project site is located within the Templeton Unified School District.

Within the County's unincorporated areas, there are currently 23 parks, three golf courses, four trails/staging areas, and eight Special Areas that include natural areas, coastal access, and historic facilities currently operated and maintained by the County.

Public facilities fees, Quimby fees, and developer conditions are several ways the County currently funds public services. A public facility fee program (i.e., development impact fee program) has been adopted to address impacts related to public facilities (county) and schools (CGC Section 65995 et seq.). The fee amounts are assessed annually by the County based on the type of proposed development and the development's proportional impact and are collected at the time of building permit issuance. Public facility fees are used as needed to finance the construction of and/or improvements to public facilities required to serve new development, including fire protection, law enforcement, schools, parks, and roads.

Discussion

- (a) *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:*

Fire protection?

The project would be designed to comply with all fire safety rules and regulations, including the California Fire Code and California PRC, which include improvements to the existing access road to accommodate emergency vehicle access, vegetation clearing or trimming around all existing and proposed structures, and potential installation of a water storage tank for fire protection (if fire sprinklers are required). The County Fire Department/CAL FIRE will review the project for final inspection/operation of the project. Based on the limited amount of development proposed, the project would not create a significant new demand for fire services. In addition, the project would be subject to public facility fees to offset the increased cumulative demand on fire protection services. Therefore, impacts would be *less than significant*. Additional information regarding wildfire hazard impacts is discussed in Section XX, Wildfire.

Police protection?

The applicant has prepared a security plan subject to the review and approval of the County Sheriff's Department. The Security Plan lays out infrastructure and operational guidelines to prevent and deter any foreseeable security breaches, crimes and/or statute violations. The project would be required to

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adhere to the security measures and protocols in the Security Plan as well as with any additional recommendation or requirements provided by the County Sheriff's Office. In addition, the project would be subject to public facility fees to offset the project's cumulative contribution to demand on law enforcement services. Therefore, impacts related to police services would be *less than significant*.

Schools?

As discussed in Section XIV, Population/Housing, the project would not induce population growth and would not result in the need for additional school services or facilities. However, the project would be subject to school impact fees, pursuant to California Education Code Section 17620, to help fund construction or reconstruction of school facilities. Therefore, impacts would be *less than significant*.

Parks?

As discussed in Section XIV, Population and Housing, the project would not induce a substantial increase in population growth and would not result in the need for additional parks or recreational services or facilities to serve new populations; therefore, potential impacts would be *less than significant*.

Other public facilities?

As discussed above, the proposed project would be subject to applicable fees to offset negligible increased demands on public facilities; therefore, impacts related to other public facilities would be *less than significant*.

Conclusion

The project does not propose development that would substantially increase demands on public services and would not induce population growth that would substantially increase demands on public services. The project would be subject to payment of development impact fees to reduce the project's negligible contribution to increased demands on public services and facilities. Therefore, potential impacts related to public services would be less than significant and no mitigation measures are necessary.

Mitigation

None necessary.

XVI. RECREATION

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting

The Parks and Recreation Element (Recreation Element) of the County of San Luis Obispo General Plan establishes goals, policies, and implementation measures for the management, renovation, and expansion of existing parks and recreation facilities and the development of new parks and recreation facilities in order to meet existing and projected needs and to assure an equitable distribution of parks throughout the county.

Public facilities fees, Quimby fees, and developer conditions are several ways the County currently funds public parks and recreational facilities. Public facility fees are collected upon construction of new residential units and currently provide funding for new community-serving recreation facilities. Quimby Fees are collected when new residential lots are created and can be used to expand, acquire, rehabilitate, or develop community-serving parks. Finally, a discretionary permit issued by the County may condition a project to provide land, amenities, or facilities consistent with the Recreation Element.

The County Bikeways Plan identifies and prioritizes bikeway facilities throughout the unincorporated area of the county, including bikeways, parking, connections with public transportation, educational programs, and funding. The Bikeways Plan is updated every 5 years and was last updated in 2016. The plan identifies goals, policies, and procedures geared towards realizing significant bicycle use as a key component of the transportation options for San Luis Obispo County residents. The plan also includes descriptions of bikeway design and improvement standards, an inventory of the current bicycle circulation network, and a list of current and future bikeway projects within the county.

Discussion

- (a) *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*

The project proposes cannabis activities within a rural area and would employ up to two full-time employees and up to ten additional part-time/seasonal employees during harvest times. Due to the limited number of project employees, the project would not result in increased demand on existing recreational facilities in the County. There are no existing or proposed trail corridors on Neal Spring Road or adjacent to the project site; therefore, *no impacts would occur*.

- (b) *Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?*

The project does not include the construction of new recreational facilities and would not result in a substantial increase in demand or use of parks and recreational facilities. Implementation of the project would not require the construction or expansion of recreational facilities; therefore, *no impacts would occur*.

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Conclusion

The project would not result in the significant increase in use, construction, or expansion of parks or recreational facilities. Therefore, potential impacts related to recreation would be less than significant and no mitigation measures are necessary.

Mitigation

None necessary.

XVII. TRANSPORTATION

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The San Luis Obispo Council of Governments (SLOCOG) holds several key roles in transportation planning within the county. As the Regional Transportation Planning Agency (RTPA), SLOCOG is responsible for conducting a comprehensive, coordinated transportation program; preparing a Regional Transportation Plan (RTP); programming state funds for transportation projects; and administering and allocating transportation development act funds required by state statutes. The 2019 RTP, adopted June 5, 2019, is a long-term blueprint of San Luis Obispo County's transportation system. The plan identifies and analyzes transportation needs of the region and creates a framework for project priorities. SLOCOG represents and works with the County as well as the Cities within the county in facilitating the development of the RTP.

In 2013 SB 743 was signed into law with the intent to "more appropriately balance the needs of congestion management with statewide goals related to infill development, promotion of public health through active transportation, and reduction of greenhouse gas emissions" and required the Governor's Office of Planning and Research (OPR) to identify new metrics for identifying and mitigating transportation impacts within CEQA. As a result, in December 2018, the California Natural Resources Agency certified and adopted updates to the

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State CEQA Guidelines. The revisions included new requirements related to the implementation of SB 743 and identified VMT per capita, VMT per employee, and net VMT as new metrics for transportation analysis under CEQA (as detailed in Section 15064.3 [b]). Beginning July 1, 2020, the newly adopted VMT criteria for determining significance of transportation impacts must be implemented statewide.

The County's Framework for Planning (Inland), includes the Land Use and Circulation Elements of the County of San Luis Obispo General Plan. The Framework establishes goals and strategies to meet pedestrian circulation needs by providing usable and attractive sidewalks, pathways, and trails to establish maximum access and connectivity between land use designations. Due to the remote location of the project site, there are no pedestrian, bicycle, or public transit facilities within 5 miles of the project site.

The project is located off of Neal Spring Road, an east-west two-lane collector road maintained by the County. Neal Springs Drive serves as a major collector for residential and agricultural lands east of Templeton. Based on the County Department of Public Works most recent traffic counts Neal Spring Road experienced 367 trips per day in 2016 (County of San Luis Obispo 2018).

Discussion

- (a) *Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?*

The project includes establishment of indoor and outdoor cannabis cultivation and processing of cannabis grown on-site. Based on the County Public Works trip generation rates, the project is expected to generate a maximum of ~~8~~ 33 daily trips including up to ~~3.3~~ 10.7 vehicle trips during the PM peak hour (4:00 PM – 6:00 PM). Based on average trip rates provided by the Institute of Transportation Engineers (ITE), the project would generate similar traffic levels as a rural residence, which generates an average of 10 trips per day per residential dwelling unit. The project would be subject to Road Improvement Fees and public facility fees to offset the relative impacts on surrounding roadways. The Templeton Community Plan includes a Circulation Element that identifies key issues that affect the regional transportation system and establishes policies and objectives to address those issues. The project is located outside of the Templeton Urban Reserve Line and no proposed roadway improvements are currently proposed on Neal Spring Road. As detailed in Section XVI, Recreation, no proposed trail corridors run through adjacent to the project parcel. Therefore, the project would not conflict with an established measure of effectiveness for the performance of a circulation system or conflict with a program plan, ordinance, or policy addressing the circulation system, and potential impacts would be *less than significant*.

- (b) *Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?*

The County has not yet identified an appropriate model or method to estimate VMT for proposed land use development projects. The 2018 OPR SB 743 Technical Advisory on Evaluating Transportation Impacts in CEQA states that absent substantial evidence indicating that a project would generate a potentially significant level of VMT, or inconsistency with a Sustainable Communities Strategy (SCS) or general plan, projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than-significant transportation impact.

~~As shown below in Table 6, based~~ Based on the trip generation rates used by the Department of Public Works referral, the project would generate 8 average daily trips and would not exceed 110 average daily trips.

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Table 6. Trip Generation Rates for Cannabis Activities

Project Component	Units	Quantity	Trip Rate	Total ADT
Indoor Cultivation	sq.ft.	22,000	0.00027	5.94
Indoor Ancillary Nursery	sq.ft.	5,000	0.00027	1.35
Outdoor Cultivation	Acres	3	2	6
Seasonal Employees	Employee	10	2	20
Total:				33.29

In operation, the project would generate vehicle trips from two regular full-time employees and ten part-time/seasonal employees, as well as delivery of harvested cannabis to an off-site testing facility, and occasional deliveries of soil, supplies, and diesel fuel. Based on the nature and location of the project, the project would not generate a significant increase in construction-related or operational traffic trips or VMT. The project would not substantially change existing land uses and would not result in the need for additional new or expanded transportation facilities. Therefore, potential impacts would be *less than significant*.

- (c) *Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

The proposed project and access routes have been reviewed by the Department of Public Works (David Grim 2019) and identified no concerns associated with the current access road design. The project would be required to make improvements to the existing driveway on the project property as necessary to comply with any access requirements established by the County Fire/CAL FIRE. The project would not substantially change the existing roadway design and does not include geometric design features that would create new hazards or an incompatible use. Therefore, *impacts would be less than significant*.

- (d) *Result in inadequate emergency access?*

The project would be required to make improvements to the existing access driveway as necessary to accommodate emergency access vehicles. No public road closures are necessary to implement these improvements. Therefore, the project would provide for adequate emergency access and impacts would be *less than significant*.

Conclusion

The project would be subject to payment of the Templeton Area B Road Improvement Fee as well as public facilities fees to off-site relative impacts to surrounding roadways. Potential impacts related to transportation and circulation would be less than significant, and no mitigation is necessary.

Mitigation

None necessary.

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XVIII. TRIBAL CULTURAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
(i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

Approved in 2014, AB 52 added tribal cultural resources to the categories of resources that must be evaluated under CEQA. Tribal cultural resources are defined as either of the following:

1. Sites, features, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
 - a. Included or determined to be eligible for inclusion in the CRHR; or
 - b. Included in a local register of historical resources as defined in subdivision (k) of California PRC Section 5020.1.
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth California PRC Section 5024.1(c).

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In applying these criteria for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American Tribe.

Recognizing that tribes have expertise with regard to their tribal history and practices, AB 52 requires lead agencies to provide notice to tribes that are traditionally and culturally affiliated with the geographic area of a proposed project if they have requested notice of projects proposed within that area. If the tribe requests consultation within 30 days upon receipt of the notice, the lead agency must consult with the tribe regarding the potential for adverse impacts on tribal cultural resources as a result of a project. Consultation may include discussing the type of environmental review necessary, the presence and/or significance of tribal cultural resources, the level of significance of a project's impacts on the tribal cultural resources, and available project alternatives and mitigation measures recommended by the tribe to avoid or lessen potential impacts on tribal cultural resources.

In accordance with AB 52 Cultural Resources requirements, outreach to four Native American tribes has been conducted: Northern Salinan, Xolon Salinan, tiṭu tiṭu yak tịhini Northern Chumash, and Northern Chumash Tribal Council. No responses from the tribes were received.

Discussion

- (a) *Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:*
 - (a-i) *Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?*

The County has provided notice of the opportunity to consult with appropriate tribes per the requirements of AB 52 and the project site does not contain any known tribal cultural resources that have been listed or been found eligible for listing in the CRHR or in a local register of historical resources as defined in California PRC Section 5020.1 (Albion Environmental 2018).

Potential impacts associated with the inadvertent discovery of tribal cultural resources would be subject to LUO Section 22.10.040 (Archaeological Resources), which requires that in the event resources are encountered during project construction, construction activities shall cease, and the County Department of Planning and Building shall be notified of the discovery so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and the disposition of artifacts may be accomplished in accordance with federal and state law. Therefore, impacts related to a substantial adverse change in the significance of tribal cultural resources would be *less than significant*.

- (a-ii) *A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.*

The project site does not contain any resources determined by the County to be a potentially significant tribal cultural resource. Impacts associated with potential inadvertent discovery would be minimized through compliance with existing standards and regulations (LUO Section 22.10.040). Therefore, potential impacts would be *less than significant*.

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Conclusion

No tribal cultural resources are known or expected to occur within or adjacent to the project site. In the event unanticipated sensitive resources are discovered during project activities, adherence with LUO standards and State Health and Safety Code procedures would reduce potential impacts to less than significant; therefore, potential impacts to tribal cultural resources would be less than significant and no mitigation measures are necessary.

Mitigation

None necessary.

XIX. UTILITIES AND SERVICE SYSTEMS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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Setting

The County Department of Public Works provides water and wastewater services for specific County Service Areas (CSAs) that are managed through issuance of water/wastewater “will serve” letters. The Department of Public Works currently maintains CSAs for the communities of Nipomo, Oak Shores, Cayucos, Avila Beach, Shandon, the San Luis Obispo County Club, and Santa Margarita. Other unincorporated areas in the county rely on on-site wells and individual wastewater systems. Regulatory standards and design criteria for on-site wastewater treatment systems are provided by the Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (California OWTS Policy).

Per the County’s Stormwater Program, the Department of Public Works is responsible for ensuring that new construction sites implement BMPs during construction, and that site plans incorporate appropriate post-construction stormwater runoff controls. Construction sites that disturb 1 acre or more must obtain coverage under the SWRCB’s Construction General Permit. PG&E is the primary electricity provider and both PG&E and SoCalGas provide natural gas services for urban and rural communities within the county.

There are three landfills in San Luis Obispo County: Cold Canyon Landfill, located near the city of San Luis Obispo; Chicago Grade Landfill, located near the community of Templeton; and Paso Robles Landfill, located east of the city of Paso Robles.

Discussion

- (a) *Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*

The project includes the construction of a new wastewater (septic) system that would be located to the east of the proposed processing building. Based on the proposed uses and location, the new septic system would meet Tier 1 minimum horizontal setbacks, including distance from parcel property lines and structures, existing wells, unstable land masses, and surface water bodies. In order to demonstrate full compliance with Tier 1 minimum site evaluation and siting standards, the proposed septic system location would need to be evaluated by a qualified professional to perform all necessary soil and site evaluations including soil depth, level of groundwater, and percolation rates. This would be required through the building permit process. Therefore, impacts related to the construction of new wastewater treatment facilities would be *less than significant*.

- (b) *Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?*

The project would attain its water supply from an existing well located on-site. Based on information from the applicant, the well produces 67 gallons per minute.

The project is located within the PRGWB, which is categorized as being in a state of critical overdraft and is located inside the area that is categorized as being in severe decline (Spring Well Decline 1997–2013; County of San Luis Obispo 2018X). A water demand analysis prepared for the project (Civil Design Solutions 2019) estimates that the total water demand for the project would be 5.28 ~~2.76~~ acre-feet per year (AFY).

Because the project’s sole water source is currently designated as being in a state of critical overdraft, the project may have the potential to not have sufficient water supplies available during normal, dry, and multiple dry years. Mitigation measures WQ-1 and WQ-2 have been identified to require the project applicant implement one or a combination of actions that would result in the overall offset of project water use within the PRGWB at a 2:1 ratio, as required by the CWWCP and LUO Section

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22.94.025. Through implementation of these measures, the project's water use would result in an overall decrease of water use within the basin; therefore, the project's impacts associated with sufficient water supplies available during normal, dry, and multiple dry years would be *less than significant with mitigation*.

- (c) *Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?*

The project would be served by an individual on-site wastewater system and would not be connected to a community wastewater service provider. Therefore, *no impacts would occur*.

- (d) *Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?*

Construction activities would result in the generation of minimal solid waste materials. The nearest waste facility to the project site is Paso Robles Landfill, which has a remaining capacity of 4,216,402 cubic yards. The project would not generate solid waste in excess of state or local standards or in excess of the capacity of local infrastructure; therefore, impacts would be *less than significant*.

- (e) *Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?*

The project would not result in a substantial increase in waste generation during project construction or operation. Construction waste disposal would comply with federal, state, and local management and reduction statutes and regulations related to solid waste. Therefore, potential impacts would be *less than significant*.

Conclusion

Mitigation measures WQ-1 and WQ-2 have been identified to require that the project applicant implement one or a combination of actions that would result in the overall offset of project water use within the PRGWB at a 2:1 ratio, as required by the CWWCP and LUO Section 22.94.025. The project would not result in significant increased demands on wastewater or stormwater infrastructure and facilities. No substantial increase in solid waste generation would occur. Therefore, project impacts associated with utilities and service systems would be less than significant with mitigation.

Mitigation

Implement measures WQ-1 and WQ-2.

XX. WILDFIRE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:</i>				
(a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

In central California, the fire season usually extends from roughly May through October; however, recent events indicate that wildfire behavior, frequency, and duration of the fire season are changing in California. Fire Hazard Severity Zones (FHSZ) are defined by CALFIRE based on the presence of fire-prone vegetation, climate, topography, assets at risk (e.g., high population centers), and a fire protection agency's ability to provide service to the area (CAL FIRE 2007). FHSZs throughout the county have been designated as "Very High," "High," or "Moderate." In San Luis Obispo County, most of the area that has been designated as a "Very High Fire Hazard Severity Zone" is located in the Santa Lucia Mountains, which extend parallel to the coast along the entire length of San Luis Obispo County. The project would be located within the State Responsibility Area in a high fire hazard severity zone. Based on CAL FIRE's referral response letter, it would take approximately 10-15 minutes to respond to a call regarding fire or life safety.

The County Emergency Operations Plan (EOP) addresses several overall policy and coordination functions related to emergency management. The EOP includes the following components:

- Identifies the departments and agencies designated to perform response and recovery activities and specifies tasks they must accomplish;
- Outlines the integration of assistance that is available to local jurisdictions during disaster situations that generate emergency response and recovery needs beyond what the local jurisdiction can satisfy;
- Specifies the direction, control, and communications procedures and systems that will be relied upon to alert, notify, recall, and dispatch emergency response personnel; alert the public; protect residents and property; and request aid/support from other jurisdictions and/or the federal government;
- Identifies key continuity of government operations; and

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- Describes the overall logistical support process for planned operations.

Topography influences wildland fire to such an extent that slope conditions can often become a critical wildland fire factor. Conditions such as speed and direction of dominant wind patterns, the length and steepness of slopes, direction of exposure, and/or overall ruggedness of terrain influence the potential intensity and behavior of wildland fires and/or the rates at which they may spread (Barros et al. 2013).

The Safety Element of the County of San Luis Obispo General Plan establishes goals, policies, and programs to reduce the threat to life, structures, and the environment caused by fire. Policy S-13 identifies that new development should be carefully located, with special attention given to fuel management in higher fire risk areas, and that new development in fire hazard areas should be configured to minimize the potential for added danger. Implementation strategies for this policy include identifying high risk areas, developing and implementing mitigation efforts to reduce the threat of fire, requiring fire resistant material be used for building construction in fire hazard areas, and encouraging applicants applying for subdivisions in fire hazard areas to cluster development to allow for a wildfire protection zone.

The California Fire Code provides minimum standards for many aspects of fire prevention and suppression activities. These standards include provisions for emergency vehicle access, water supply, fire protection systems, and the use of fire resistant building materials.

The County EOP outlines the emergency measures that are essential for protecting public health and safety. These measures include, but are not limited to, public alert and notifications, emergency public information, and protective actions. The EOP also addresses policy and coordination related to emergency management.

Discussion

- (a) *Substantially impair an adopted emergency response plan or emergency evacuation plan?*

The project does not require any road closures and would be designed to accommodate emergency vehicle access. Implementation of the proposed project would not have a permanent impact on any adopted emergency response plans or emergency evacuation plans. Temporary construction activities and staging would not substantially alter existing circulation patterns or trips. Access to adjacent areas would be maintained throughout the duration of the project. There are adequate alternative routes available to accommodate any rerouted trips through the project area for the short-term construction period. Therefore, the project would not substantially impair an adopted emergency response plan or emergency evacuation plan. Potential impacts would be *less than significant*.

- (b) *Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?*

The project site is gently rolling and prevailing wind speeds range between 6.6 and 8.8 mph and predominately come from the west (WeatherSpark.com 2016). The project does not include major grading that would alter the site's slope or removal of a substantial number of trees, buildings, or other natural wind breaks or barriers. The project components would be required to be designed and constructed in accordance with the California Fire Code. Therefore, the project would not exacerbate fire risks and potential impacts would be *less than significant*.

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- (c) *Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?*

The project includes improvements to an existing driveway off of Neal Spring Road to provide access to the project area, which would be required to be designed and constructed in compliance with County Department of Public Works and CAL FIRE regulations to ensure emergency vehicles would have adequate access during an emergency.

The project would require a new power line connection to the existing PG&E transmission tower located on the adjacent property to the north of the project site. This new power connection would serve the proposed greenhouses and processing building and would be required to be installed in compliance with all applicable California Public Utilities Commission (CPUC) and California Fire Code standards. Therefore, project impacts would be *less than significant*.

- (d) *Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?*

The project site is in a low landslide potential area, and the likelihood of landslides affecting the project site as a result of post-fire slope instability, runoff, or drainage changes is low. The soil in this area is moderately susceptible to fire damage. Due to the makeup of the soil, wind erosion is common post fire and can contribute to slope instability (NRCS 2017). The low slopes in the area reduce the hazards related to slope failure and subsequent impacts to surrounding developed lands. People and structures would not be exposed to these risks and thus project impacts would be *less than significant*.

Conclusion

The project would result in new development located in a High FHSZ. The project would not substantially impair an emergency response plan or require the installation of new infrastructure that may exacerbate fire risk or result in temporary ongoing impacts to the environment. The project would not include any design elements that would expose people or structures to significant risk as a result of runoff, post-fire instability, or drainage changes. Therefore, potential impacts associated with wildfire would be less than significant.

Mitigation

None Necessary.

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XXI. MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

- (a) *Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

As discussed in each resource section above, the proposed project would have the potential to result in significant impacts to special-status and nesting birds protected by the MBTA, SJKF, and native oak trees. Mitigation measures BIO-1 through BIO-23 have been identified to avoid and/or minimize potential impacts to these species to a less-than-significant level. Therefore, impacts would be *less than significant with mitigation incorporated*.

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- (b) *Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?*

The State CEQA Guidelines define cumulative impacts as "two or more individual effects that, when considered together, are considerable or which compound or increase other environmental impacts." Section 15355 of the State CEQA Guidelines further states that individual effects can be various changes related to a single project or the change involved in a number of other closely related past, present, and reasonably foreseeable future projects. The State CEQA Guidelines state that the discussion of cumulative impacts should reflect the severity of the impacts as well as the likelihood of their occurrence. However, the discussion need not be as detailed as the discussion of environmental impacts attributable to the project alone. Furthermore, the discussion should remain practical and reasonable in considering other projects and related cumulatively considerable impacts.

Existing and Reasonably Foreseeable Cannabis Facilities

In 2016, the County estimated that there were as many as 500 unpermitted (illegal) cannabis cultivation sites within the unincorporated county. Assuming 0.5 acre per site, the canopy associated with these activities could be as high as 250 acres. Unpermitted cannabis operations are expected to continue to be abated throughout the county.

Table 7 below provides a summary of the maximum possible cannabis cultivation activities that could be approved through permit applications that have been received by the County as of December 9, 2019. Each of these proposed activities is considered a reasonably foreseeable future project for the purposes of this cumulative impact analysis. It is important to note, however, that many proposed activities are subject to change during the land use permit process and a portion of these applications may be withdrawn by the applicant or denied by the County approving body. Figure 4 shows the project site along with other approved and proposed cannabis project sites within 5 miles of the proposed project site.

Table 7. Summary of Cannabis Facility Applications for Unincorporated San Luis Obispo County¹

Proposed Cannabis Cultivation Type	Total Number of Proposed Cannabis Cultivation Permits ^{1,2}	Total Proposed Canopy (acres)	Approved Activities
Indoor Cultivation and Indoor Nursery	115	89	10
Outdoor Cultivation		241	10
Total	115	330	20

1. As of December 9, 2019.

2. Total number of all cannabis activities for which an application has been submitted to the County to date. A project site may include multiple proposed cannabis activities.

For purposes of assessing the cumulative impacts of cannabis cultivation activities, the following assumptions have been made:

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- (a) *All 115 applications for cultivation sites would be approved and developed;*
- (b) *Each cultivation site would be developed with the maximum allowed cultivation uses:*
 - i. 3 acres of outdoor cultivation;
 - ii. 0.5 acres of indoor cultivation;
 - iii. 19,000 square feet of ancillary nursery;
 - iv. A total of six full-time employees;
 - v. A total of 4 part-time/seasonal employees;
 - vi. A total of 25 average daily motor vehicle trips; and
 - vii. All sites would be served by a well and septic leach field.

Aesthetics

The analysis provided in Section I, Aesthetic and Visual Resources, provides an overview of the visual setting and concludes that the potential project-specific impacts would be less than significant with mitigation identified to implement and maintain vegetative screening and eliminate off-site nighttime light overspill. The project site is located in an area with 28 potential cannabis facilities within 5 miles (as of March 12, 2020). Surrounding proposed cannabis cultivation operations would require discretionary permits if County staff determine they have the potential to result in potentially significant environmental effects, including potential impacts to visual resources. Based on the rural and agricultural visual character of the area, newly proposed structures visible from surrounding public roadways would undergo evaluation for consistency with the surrounding visual character and may be required to implement visual screening and/or other measures if County staff identify potential impacts to visual resources. Proposed cannabis cultivation projects, including use of mixed-light growing techniques, would be subject to standard County mitigation measures to eliminate off-site nighttime light overspill.

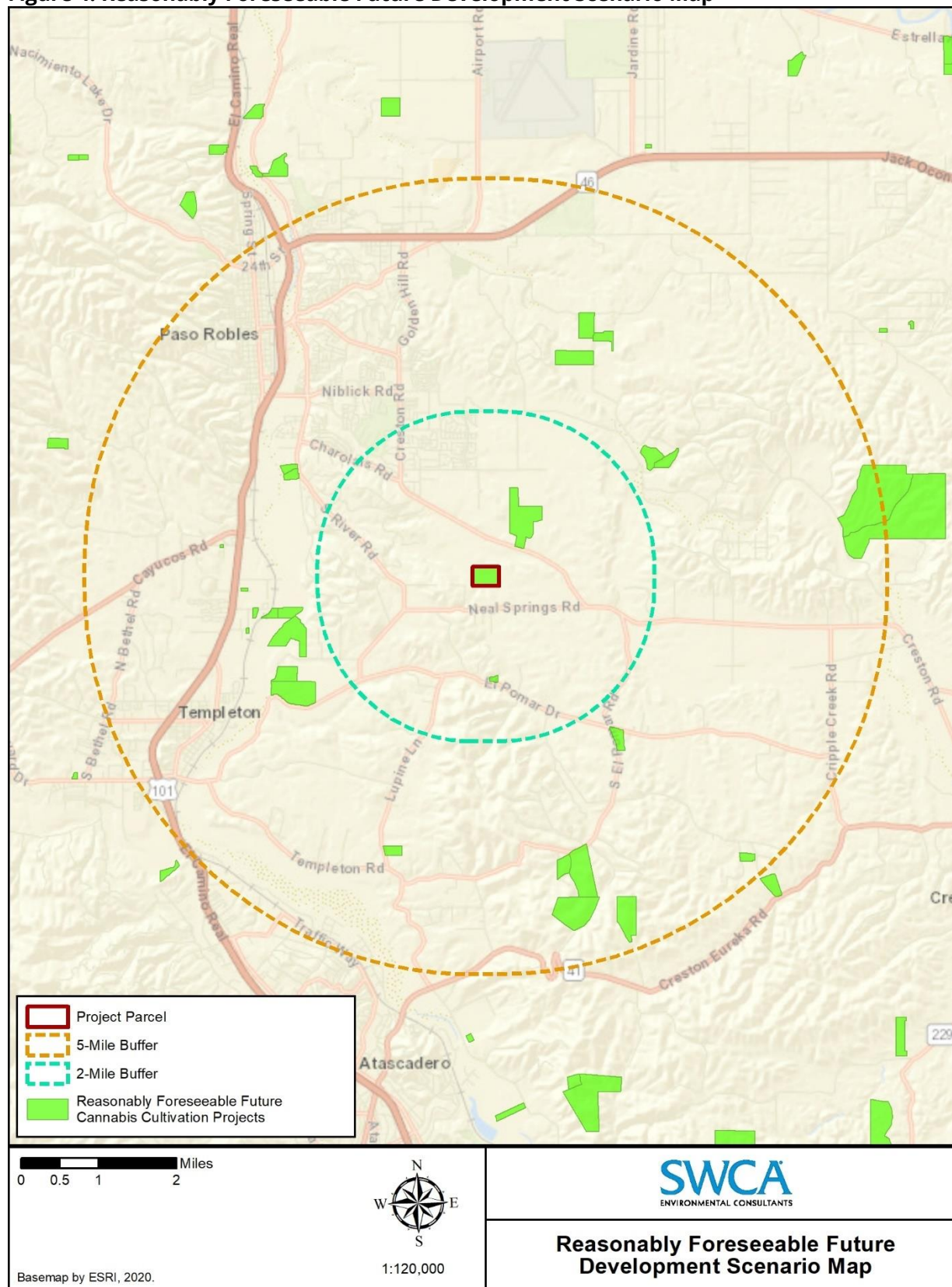
Based on the mitigation measures identified to reduce potential project impacts and discretionary review of surrounding proposed cannabis projects, the impacts to aesthetic and visual resources of this project, when considered with the potential impacts of other reasonably foreseeable development in the area, would be less than cumulatively considerable.

Agriculture and Forestry Resources

The analysis provided in Section II, Agriculture and Forestry Resources, indicates that the project would not result in the permanent conversion of Important Farmland, based on the FMMP, and no potential impacts to forest land or timberland would occur. The project would not result in a conflict with existing zoning for agricultural use or Williamson Act contract. Therefore, when considered with the potential impacts of other reasonably foreseeable cannabis cultivation projects in the unincorporated county, the contribution of the project's potential impacts to agriculture and forestry resources is considered less than cumulatively considerable.

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Figure 4. Reasonably Foreseeable Future Development Scenario Map



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Air Quality

The analysis provided in Section III, Air Quality, concludes that the project's potential construction-related emissions would have the potential to exceed SLOAPCD thresholds of significance for construction emissions, resulting in a potentially cumulatively considerable contribution to the county's non-attainment status under state air quality standards for ozone and fugitive dust. With implementation of recommended Mitigation Measure AQ-1, project construction, operational, and cumulative impacts would be less than significant.

The project is one of 115 land use permit applications for cannabis cultivation activities located within the county. All proposed cannabis cultivation operations located within the county would require discretionary permits and would be evaluated for their potential to result in potentially significant environmental effects, including potential impacts to air quality. These proposed cannabis cultivation projects would undergo evaluation for their potential to exceed applicable SLOAPCD thresholds and result in potentially cumulatively considerable contribution to the county's non-attainment status for ozone and/or fugitive dust. Proposed projects with the potential to exceed SLOAPCD thresholds would be subject to standard SLOAPCD mitigation measures to reduce potential air pollutant emissions to a less-than-significant level. These measures would also be applied for projects located within close proximity of sensitive receptor locations.

The project site is located in an area with two other reasonably foreseeable future cannabis cultivation facilities within 2 miles (as of March 12, 2020). The analysis provided in Section III, Air Quality, concludes that the project's potential other emissions (such as those leading to odor) would be less than significant based on the distance of proposed odor-emitting uses from the project property lines and proposed odor control technology to be implemented within proposed structures. All surrounding proposed cannabis development projects would be required to comply with County LUO ordinance cannabis odor control requirements, including preparation of an odor control plan, minimum setback distances, and installation of sufficient ventilation controls to prevent odors from being detected off-site.

Therefore, based on the mitigation measures identified to reduce potential project impacts and LUO odor control requirements for all surrounding proposed cannabis cultivation projects, the contribution of the project's potential impacts to air quality are considered less than cumulatively considerable.

Biological Resources

The analysis provided in Section IV, Biological Resources, concludes that the project would have a less-than-significant impact upon implementation of the identified avoidance and mitigation measures for nesting migratory birds, spadefoot toad, San Joaquin kit fox, and native trees. Mitigation measures have been identified to require limitations on construction timing, preconstruction surveys, modification of fencing, establishment of no-disturbance buffers and other avoidance and compensatory measures.

All surrounding proposed cannabis development projects would undergo evaluation for potential to impact biological resources. Proposed cannabis projects that are determined to have the potential to impact sensitive species and/or their habitats, sensitive natural communities, federal or state wetlands, migratory corridors, native trees, or conflict with state or local policies or habitat conservation plans would be required to implement mitigation measures to reduce these impacts.

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Based on the mitigation measures identified to reduce potential project impacts and discretionary review of surrounding projects, when considered with the potential impacts of other reasonably foreseeable development in the area, project impacts are considered less than cumulatively considerable.

Energy

Cannabis cultivation operations typically use an insignificant amount of natural gas. Accordingly, this assessment of cumulative energy impacts is based on electricity use. The analysis provided in Section VI, Energy, states that the project could increase the demand for electricity by 2,970,000 kWh per year.

Table 8 provides a summary of the estimated worst-case scenario of total electricity demand associated with development of all 115 proposed and/or approved cannabis cultivation projects with 22,000 square feet (0.5 acre) of mixed-light (indoor) cannabis cultivation based on the County of Santa Barbara Cannabis Energy Conservation Plan Electricity Use Calculation Form.

Table 8. Projected Demand for Electricity From Approved and Reasonably Foreseeable Cannabis Cultivation Projects

Proposed Land Use	Total Electricity Demand from Proposed Cannabis Cultivation Projects ¹ (Kilowatt-Hours/Year)	Total Electricity Demand (Gigawatt Hours/Year)	Electricity Consumption in San Luis Obispo County in 2018 ² (Gigawatt Hours)	Total Demand in San Luis Obispo County with Proposed Cannabis Cultivation (Gigawatt Hours/Year)	Percent Increase Over 2018 Electricity Demand
Mixed-light (indoor) Cultivation	620,400,000	620			
Total	620,400,000	620	1,765.9	2,385	35%

¹Source: CalEEMOD 2016 v.3.2. Assumes 115 cultivation projects with 0.5 acre of mixed-light cannabis canopy.

²Source: California Energy Commission 2019.

Table 8 indicates that electricity demand in San Luis Obispo County could increase by as much as 35% if all 115 cultivation projects are developed with 22,000 square feet of mixed-light cultivation and are approved. PG&E is required by state law (the Renewable Portfolio Standard) to derive at least 60% of their electricity from renewable sources by 2030. These sources are “bundled” and offered for sale to other Load Serving Entities (utility providers). Table 9 shows the percent increase in the projected 2030 demand for these bundled sources of electricity throughout PG&E’s service area for, assuming all 115 cultivation projects are developed with 22,000 square feet of mixed-light cultivation and approved.

Table 9. Projected Demand for Electricity From Approved and Reasonably Foreseeable Cannabis Cultivation Projects Compared With Projected PG&E 2030 Available Service Load

Increased Electricity Consumption in San Luis Obispo County with 115 Cannabis Cultivation Projects ¹ (Gigawatt Hours/Year)	620
Projected PG&E 2030 Bundled Service Load ² (Gigawatt Hours)	33,784

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Percent Increase in 2030 Demand With Cannabis Cultivation	1.8%
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¹Source: CalEEMOD 2016 v.3.2. Assumes 115 cultivation projects with 3.5 acres of cannabis canopy.

²Source: Pacific Gas and Electric 2018, Integrated Resource Plan.

The project's contribution to the overall increased demand for electricity would have the potential to result in potentially significant environmental impacts through GHG emissions. Mitigation measures ENG-1, ENG-2, and ENG-3 require the applicant to provide an Energy Conservation Plan to identify strategies to reduce or offset for cannabis-related electricity demand and GHG emissions. In addition, all proposed cannabis cultivation projects within the county would be subject to discretionary review by County staff. Indoor and mixed-light cultivation projects that are determined to have the potential to result in potentially significant impacts from their proposed energy use would be required to implement mitigation measures to reduce their energy demand and use sources that result in less GHG emissions. It is also important to note that while many proposed cannabis cultivation projects would result in new permitted facilities, a portion of these facilities are being proposed in existing buildings previously used for unpermitted cannabis cultivation activities or other uses. Therefore, the estimated increases in energy demand provided in Tables 7 and 8 are very likely overestimations.

With implementation of identified mitigation measures and discretionary review of other cultivation projects within the county, the project's environmental impacts associated with energy use would be less than cumulatively considerable.

Greenhouse Gas Emissions

As discussed in Section VI, Energy, the project is estimated to generate approximately 1,566 metric tons of CO₂ emissions per year. Accordingly, the project has the potential to exceed the SLOAPCD Bright-Line Threshold of 1,150 metric tons of GHG emissions per year. Mitigation measures ENG-1, ENG-2, and ENG-3 have been identified to require the applicant to prepare and submit an Energy Conservation Plan that identifies strategies to offset and/or reduce project GHG emissions to a less-than-significant level.

All proposed cannabis cultivation operations located within the county would require discretionary permits and would be evaluated for their potential to result in potentially significant environmental effects, including potential impacts associated with GHG emissions. These proposed cannabis cultivation projects would undergo evaluation for their potential to exceed applicable SLOAPCD GHG thresholds. Projects identified to have the potential to exceed the SLOAPCD GHG thresholds would be required to implement standard mitigation measures to reduce these potential impacts, including but not limited to, preparation of an Energy Conservation Plan and/or requiring enrollment in a clean energy program.

With implementation of these measures and discretionary review of other cannabis cultivation projects within the county, cumulative impacts associated with GHG emissions would be less than cumulatively considerable.

Hydrology and Water Quality

As discussed in Section X, Hydrology and Water Quality, compliance with existing regulations and/or required plans in addition to implementation of mitigation measures WQ-1 and WQ-2 would adequately reduce potential impacts associated with hydrology and water quality to be less than significant.

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All proposed cannabis cultivation projects located in the county would be subject to standard County requirements for drainage, sedimentation, and erosion control for construction and operation. All potentially hazardous materials (e.g., pesticides, fertilizers, etc.) proposed to be utilized for these projects would be required to comply with the applicable storage, refilling, and dispensing County Department of Environmental Health standards. All cannabis cultivation projects within the county would also be required to comply with applicable riparian, wetland, and other waterway setbacks established by the RWQCB.

The project is located within the PRGWB, which is categorized as being in a state of critical overdraft and is located outside the area that is categorized as being in severe decline (Spring Well Decline 1997–2013; County of San Luis Obispo 2018). As indicated in Table 10, 33 applications for cannabis cultivation projects located within the PRGWB have been submitted to date (December 9, 2019).

Table 10. Proposed Cannabis Cultivation Projects in the Atascadero Groundwater Basin

Bulletin 118 Groundwater Basin ¹	Number of Proposed Cultivation Projects	Total Estimated Water Demand from Cannabis Cultivation ³	Basin Estimated Safe Yield ¹
Paso Robles Groundwater Basin	33 ²	190.09	Approximately 400,000

¹ Source: California Department of Water Resources Bulletin 118.

² Includes 661.21 acres (12 projects) in the Area of Severe Decline.

³ Based on the assumptions for development and water demand outlined above.

The project's proposed water use within a groundwater basin that is currently in critical overdraft would contribute to the overall cumulative impact of other proposed cannabis cultivation projects water use within the PRGWB. Mitigation measures WQ-1 and WQ-2 would require the project applicant to offset the project's proposed water use at a 2:1 ratio within the PRGWB. All proposed cannabis cultivation projects located within the PRGWB would also be subject to discretionary review and would be required to offset proposed water use at least a 2:1 ratio in compliance with the CWWCP. Proposed projects located in areas designated as being in severe decline would be required to offset proposed water use at a 2:1 ratio. Through water demand offsets and compliance with the CWWCP, cumulative impacts associated with substantially decreasing groundwater supplies and/or interfering substantially with groundwater recharge would be reduced.

Therefore, based on recommended mitigation measures and compliance with existing policies and programs, project's individual impacts associated with hydrology and water quality would be *less than cumulatively considerable with mitigation*.

Noise

As discussed in Section XIII, Noise, noise associated with proposed HVAC and odor management systems are considered less than significant.

Reasonably foreseeable future cannabis cultivation projects would require discretionary permits and would be reviewed by County staff for potentially significant environmental impacts, including impacts associated with noise. Future projects with potential to generate noise above County standards or noise that would adversely affect surrounding sensitive receptors would be required to implement

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measures to reduce associated impacts. In addition, most cultivation activities would be required to adhere to the established setback distances from property lines as detailed in the LUO and these setbacks would allow noises to dissipate to some degree before reaching surrounding land uses.

Therefore, when considered with the potential impacts of other reasonably foreseeable cannabis cultivation projects in the unincorporated county, the contribution of the subject project to potential noise impacts is considered less than cumulatively considerable.

Population and Housing

The most recent projection of regional growth for San Luis Obispo County is the 2050 Regional Growth Forecast (RGF) for San Luis Obispo County, prepared and adopted by SLOCOG in 2017. Using the Medium Scenario, the total county population, housing, and employment for both incorporated and unincorporated areas is projected to increase at an average annual rate of 0.50% per year. Between 2015 and 2050, the County's population is projected to increase by 44,000, or about 1,260 residents per year. Within the unincorporated area, the population is expected to increase by about 19,500 residents, or about 557 per year. Employment is expected to increase by about 6,441, or about 184 per year.

Cannabis cultivation activities typically employ six to eight full-time workers and up to 12 seasonal workers during the harvest. The 2050 employment forecast does not account for employment in the cannabis industry because of the formerly illegal status of the industry. However, assuming 115 cultivation projects, total employment associated with cannabis cultivation could result in as many as 920 workers. It is most likely that these workers will be sourced from the existing workforce in San Luis Obispo County. If all 920 workers are new residents to the county, it would represent a 2% increase in the projected growth in population between 2015 and 2050. The small increase in projected population is not expected to result in an increased demand for housing throughout the county. Therefore, when considered with the potential impacts of other reasonably foreseeable cannabis cultivation projects in the unincorporated county, the contribution of the subject project to impacts related to housing and population is considered less than cumulatively considerable.

Public Services

The project and surrounding reasonably foreseeable future development would be subject to adopted public facility (County) and school (CGC Section 65995 et seq.) fee programs to offset impacts to public services. Therefore, when considered with the potential impacts of other reasonably foreseeable cannabis cultivation projects in the unincorporated county, the contribution of the subject project to potential public services impacts would be less than cumulatively considerable.

Transportation

As discussed in Section XVII, Transportation, the project would not result in a conflict with a plan or policy addressing the circulation system, increase hazards due to a geometric design feature, or result in inadequate emergency access. Surrounding reasonably foreseeable future cannabis cultivation projects would be subject to discretionary review and potential impacts associated with these thresholds would be analyzed and required to be reduced on a case-by-case basis. Therefore, the project's potential impacts associated with these thresholds would be less than cumulatively considerable.

The County Department of Public Works has derived trip generation rates for cannabis cultivation activities through the trip generation rates published by the Institute of Traffic Engineers. Table 11

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provides an estimate of total average daily trips (ADT) and PM peak hour trips associated with buildout of the 115 currently proposed cannabis cultivation projects.

Table 11. Cumulative Average Daily Trips From Cannabis Cultivation

Use	Unit	ADT per Unit	Total Proposed Cannabis Cultivation Area	Total ADT	PM Peak Hour Trips
Cultivation, Indoor (includes greenhouses, plant processing, drying, curing, etc.)	1,000 sf	0.27	2,530,000 sf	690	10.3
Cultivation, Outdoor (includes hoop house)	Acres	2.00	345 acres	683	68.3
Seasonal Employees*	Employee	2.00	460 employees	920	920
Total				2,293	998.6

* Seasonal Trips are adjusted based on the annual frequency.

The County has not yet identified an appropriate model or method to estimate VMT for proposed land use development projects. State CEQA Guidelines Section 15064.3(b) states that if existing models or methods are not available to estimate the VMT for the particular project being considered, a lead agency may analyze the project's VMT qualitatively.

The most recent estimate of total VMT for the county is from 2013, at which time total VMT per day was estimated to be 7,862,000 VMT. Assuming a 1% annual growth in VMT during the intervening 6 years, the current daily total is estimated to be around 8,333,720 VMT. Accordingly, the VMT associated with proposed cannabis cultivation projects throughout the county is estimated to result in a very marginal increase in the total county VMT. The marginal increase in VMT is not expected to result in a reduction of the level of service on county streets and intersections. Moreover, each project will be required to mitigate the project-specific impacts to the transportation network. Such mitigation may include, but is not limited to, the installation of roadway and intersection improvements necessary to serve the project and the payment of applicable road improvement fees. Therefore, when considered with the potential impacts of other reasonably foreseeable cannabis cultivation projects in the unincorporated county, the contribution of the subject project to roadway impacts would be less than cumulatively considerable.

Other Impact Issue Areas

Based on the project's less-than-significant impacts and the discretionary review of all surrounding reasonably foreseeable future cannabis cultivation projects, the project's potential impacts associated with the following issue areas would be less than cumulatively considerable:

- Cultural Resources;
- Geology and Soils;
- Hazards and Hazardous Materials;
- Land Use Planning;

Initial Study – Environmental Checklist

- Mineral Resources;
- Recreation;
- Tribal Cultural Resources;
- Utilities and Service Systems; and
- Wildfire.

- (c) *Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

The project would have the potential to result in PM₁₀ emissions above the quarterly threshold established by SLOAPCD for construction emissions. Mitigation measures AQ-1 have been identified to require the applicant to implement fugitive dust control measures during all construction and site disturbance activities to reduce fugitive dust emissions to less than significant. Mitigation measure N-1 has been identified to reduce potential impacts associated with the exceedance of nighttime noise standards set forth in the LUO to less than significant. Therefore, through implementation of these measures, potential impacts associated with wildfire would be less than significant; therefore, impacts would be *less than significant with mitigation*.

Conclusion

Potential impacts would be less than significant upon implementation of mitigation measures identified in the resource sections above.

Mitigation

Implement measures AES-1, AQ-1, BIO-1 through BIO-23, ENG-1 through ENG-3, and N-1.

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Exhibit A - Initial Study References and Agency Contacts

The County Planning Department has contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an ☒) and when a response was made, it is either attached or in the application file:

Contacted	Agency	Response
<input checked="" type="checkbox"/>	County Public Works Department	In File**
<input checked="" type="checkbox"/>	County Environmental Health Services	In File**
<input checked="" type="checkbox"/>	County Agricultural Commissioner's Office	None
<input type="checkbox"/>	County Airport Manager	Not Applicable
<input type="checkbox"/>	Airport Land Use Commission	Not Applicable
<input checked="" type="checkbox"/>	Air Pollution Control District	None
<input checked="" type="checkbox"/>	County Sheriff's Department	None
<input checked="" type="checkbox"/>	Regional Water Quality Control Board	None
<input type="checkbox"/>	CA Coastal Commission	Not Applicable
<input checked="" type="checkbox"/>	CA Department of Fish and Wildlife	None
<input checked="" type="checkbox"/>	CA Department of Forestry (Cal Fire)	In File**
<input type="checkbox"/>	CA Department of Transportation	Not Applicable
<input type="checkbox"/>	Community Services District	Not Applicable
<input checked="" type="checkbox"/>	Other USFWS	In File**
<input type="checkbox"/>	Other	None

** "No comment" or "No concerns"-type responses are usually not attached

The following checked ("☒") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Department of Planning and Building.

<input checked="" type="checkbox"/> Project File for the Subject Application	<input type="checkbox"/> Design Plan
<input checked="" type="checkbox"/> County Documents	<input type="checkbox"/> Specific Plan
<input type="checkbox"/> Coastal Plan Policies	<input type="checkbox"/> Annual Resource Summary Report
<input checked="" type="checkbox"/> Framework for Planning (Coastal/Inland)	<input type="checkbox"/> Circulation Study
<input checked="" type="checkbox"/> General Plan (Inland/Coastal), includes all maps/elements; more pertinent elements:	<input checked="" type="checkbox"/> Other Documents
<input checked="" type="checkbox"/> Agriculture Element	<input checked="" type="checkbox"/> Clean Air Plan/APCD Handbook
<input checked="" type="checkbox"/> Conservation & Open Space Element	<input checked="" type="checkbox"/> Regional Transportation Plan
<input type="checkbox"/> Economic Element	<input checked="" type="checkbox"/> Uniform Fire Code
<input checked="" type="checkbox"/> Housing Element	<input checked="" type="checkbox"/> Water Quality Control Plan (Central Coast Basin – Region 3)
<input checked="" type="checkbox"/> Noise Element	<input type="checkbox"/> Archaeological Resources Map
<input checked="" type="checkbox"/> Parks & Recreation Element/Project List	<input type="checkbox"/> Area of Critical Concerns Map
<input checked="" type="checkbox"/> Safety Element	<input type="checkbox"/> Special Biological Importance Map
<input checked="" type="checkbox"/> Land Use Ordinance (Inland/Coastal)	<input checked="" type="checkbox"/> CA Natural Species Diversity Database
<input checked="" type="checkbox"/> Building and Construction Ordinance	<input checked="" type="checkbox"/> Fire Hazard Severity Map
<input checked="" type="checkbox"/> Public Facilities Fee Ordinance	<input checked="" type="checkbox"/> Flood Hazard Maps
<input type="checkbox"/> Real Property Division Ordinance	<input checked="" type="checkbox"/> Natural Resources Conservation Service Soil Survey for SLO County
<input type="checkbox"/> Affordable Housing Fund	<input checked="" type="checkbox"/> GIS mapping layers (e.g., habitat, streams, contours, etc.)
<input type="checkbox"/> Airport Land Use Plan	<input type="checkbox"/> Other
<input checked="" type="checkbox"/> Energy Wise Plan	
<input checked="" type="checkbox"/> North County Area Plan/El Pomar-Estrella SA	

Initial Study – Environmental Checklist

In addition, the following project-specific information and/or reference materials have been considered as a part of the Initial Study:

Althouse and Meade, Inc. 2019. Biological Resource Assessment for CC Ranch, 2200 Neal Spring Road, San Luis Obispo County.

Barros, Ana M.G., Jose M.C. Pereira, Max A. Moritz, and Scott L. Stephens. 2013. Spatial Characterization of Wildfire Orientation Patterns in California. *Forests* 2013, 4; Pp 197-217." 2013.

California Department of Conservation (CDOC). 2004. A Guide to the Farmland Mapping and Monitoring Program. California Department of Conservation Division of Land Resource Protection.

_____. 2015. Fault Activity Map of California. Available at <<http://maps.conservation.ca.gov/cgs/fam/>> Accessed March 16, 2020.

_____. 2019. San Luis Obispo County Tsunami Inundation Maps. Available at <<https://www.conservation.ca.gov/cgs/tsunami/maps/San-Luis-Obispo>> Accessed March 2020.

California Department of Forestry and Fire Protection (CAL FIRE). 2007. "Draft Fire Hazard Severity Zones in Local Responsibility Areas." Available at <http://frap.fire.ca.gov/webdata/maps/san_luis_obispo/fhszl06_1_map.40.pdf>

California Department of Toxic Substances Control (DTSC). 2019. EnviroStor. Available at <<https://www.envirostor.dtsc.ca.gov/public/>> Accessed March 2020.

California Geological Survey (CGS). 2015. CGS Information Warehouse: Mineral Land Classification. Available at <<https://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=mlc>> Accessed March 2020.

Central Coast Archaeological Research Consultants. September 2019. Cultural Resources Survey of the Neal Springs Cannabis Cultivation, San Luis Obispo County, California.

County of San Luis Obispo. 2007. San Joaquin Kit Fox Standard Mitigation Ratio Areas. Available at: <<https://www.slocounty.ca.gov/getattachment/2c0fc293-eb37-4a0c-af22-5e0992efd025/Kit-Fox-Habitat-Area.aspx>>

_____. 2016. 2015/2016 County Bikeways Plan. July 6th, 2016.

County of Santa Barbara. 2008. Final Environmental Impact Report Lompoc Wind Energy Project – 3.12 Paleontological Resources. August 2008.

_____. 2017. Final Environmental Impact Report (EIR) for the Cannabis Land Use Ordinance and Licensing Program. December 2017.

_____. 2018. County of Santa Barbara Cannabis Energy Conservation Plan Electricity Use Calculation Form.

County of San Luis Obispo Staff. 2019. California Emissions Estimator Model (CalEEMod) Results.

Diblee, T.W. 2004. Geologic Map of the Templeton Quadrangle, San Luis Obispo County, California. Santa Barbara Museum of Natural History. June 2004.

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Neil O. Anderson and Associates. 2013. Geotechnical Investigation Vintner Solar Project 1050 El Pomar Drive. August 6, 2013.

Omni Means. 2017. Templeton Community 2017 Travel Demand Model and Circulation Study Update. May 2017.

Occupational Safety and Health Administration (OSHA). 2013. OSHA Technical Manual – Section III: Chapter 5 Noise. Updated August 15, 2013. Available at: <https://www.osha.gov/dts/osta/otm/new_noise/index.html#soundpressure>. Accessed January 2020.

Pacific Gas and Electric (PG&E). 2019. Delivering Low-Emission Energy. Available at: <https://www.pge.com/en_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page>.

San Luis Obispo Air Pollution Control District (SLOAPCD). 2012. CEQA Air Quality Handbook. April 2012.

_____. 2017. Clarification Memorandum for the San Luis Obispo County Air Pollution Control District's 2012 CEQA Air Quality Handbook. November 2017.

State Water Resources Control Board (SWRCB). 2015. GeoTracker. Available at <<http://geotracker.waterboards.ca.gov/>> Accessed March 2020.

U.S. Department of Agriculture (USDA). 1983. Soil Survey of San Luis Obispo County, California, Paso Robles Area. U.S. Department of Agriculture, Soil Conservation Service. May 1983.

U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS). 2017. Web Soil Survey. Available at <<https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>> Accessed March 2020.

U.S. Environmental Protection Agency (USEPA). 2012. Biopesticides Registration Action Document – Cold Pressed Neem Oil PC Code 025006. Available at <https://www3.epa.gov/pesticides/chem_search/reg_actions/registration/decision_PC-025006_07-May-12.pdf>. Accessed March 2020.

United States Geological Survey (USGS). 2019. Areas of Land Subsidence in California. Available at: <https://ca.water.usgs.gov/land_subsidence/california-subsidence-areas.html>

WeatherSpark. 2016. Average Weather in Templeton, California, United States. Available at <<https://weatherspark.com/y/1290/Average-Weather-in-Templeton-California-United-States-Year-Round>>. Accessed March 2020.

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Exhibit B – Other Agency Approvals That May Be Required

California Department of Food and Agriculture, CalCannabis Cultivation Licensing Division

CDFA has jurisdiction over the issuance of licenses to cultivate, propagate, and process commercial cannabis in California and issues licenses to outdoor, indoor, and mixed-light cannabis cultivators; cannabis nurseries; and cannabis processor facilities, where the local jurisdiction authorizes these activities (Bus. & Prof. Code, § 26012, subd. (a)(2)). All commercial cannabis cultivation within the California requires a cultivation license from CDFA.

The project is also subject to the CDFA's regulations for cannabis cultivation pursuant to the Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA), including environmental protection measures related to aesthetics, cultural resources, pesticide use and handling, use of generators, energy restrictions, lighting requirements, requirements to conduct Envirostor database searches, and water supply requirements.

State law also sets forth application requirements, site requirements, and general environmental protection measures for cannabis cultivation in CCR Title 3, Division 8, Chapter 1, Article 4. These measures include (but are not limited to) the following:

Section 8102 – Annual State License Application Requirements

- (p) For all cultivator license types except Processor, evidence of enrollment in an order or waiver of waste discharge requirements with the State Water Resources Control Board or the appropriate Regional Water Quality Control Board. Acceptable documentation for evidence of enrollment can be a Notice of Applicability letter. Acceptable documentation for a Processor that enrollment is not necessary can be a Notice of Non-Applicability;
- (q) Evidence that the applicant has conducted a hazardous materials record search of the EnviroStor database for the proposed premises. If hazardous sites were encountered, the applicant shall provide documentation of protocols implemented to protect employee health and safety;
- (s) For indoor and mixed-light license types, the application shall identify all power sources for cultivation activities, including but not limited to, illumination, heating, cooling, and ventilation;
- (v) Identification of all of the following applicable water sources used for cultivation activities and the applicable supplemental information for each source pursuant to section 8107;
- (w) A copy of any final lake or streambed alteration agreement issued by the California Department of Fish and Wildlife, pursuant to sections 1602 or 1617 of the Fish and Game Code, or written verification from the California Department of Fish and Wildlife that a lake and streambed alteration agreement is not required;
- (dd) If applicable, the applicant shall provide evidence that the proposed premises is not located in whole or in part in a watershed or other geographic area that the State Water Resources Control Board or the Department of Fish and Wildlife has determined to be significantly adversely impacted by cannabis cultivation pursuant to section 8216.

Section 8106 – Cultivation Plan Requirements

- (a) The cultivation plan for each Specialty Cottage, Specialty, Small, and Medium licenses shall include all of the following:
 - (3) A pest management plan.

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Section 8108 -- Cannabis Waste Management Plans

Section 8216 – License Issuance in an Impacted Watershed

If the State Water Resources Control Board or the Department of Fish and Wildlife notifies the department in writing that cannabis cultivation is causing significant adverse impacts on the environment in a watershed or other geographic area pursuant to section 26069, subdivision (c)(1), of the Business and Professions Code, the department shall not issue new licenses or increase the total number of plant identifiers within that watershed or area while the moratorium is in effect.

Section 8304 – General Environmental Protection Measures

- (a) Compliance with section 13149 of the Water Code as implemented by the State Water Resources Control Board, Regional Water Quality Control Boards, or California Department of Fish and Wildlife;
- (b) Compliance with any conditions requested by the California Department of Fish and Wildlife or the State Water Resources Control Board under section 26060.1(b)(1) of the Business and Professions Code;
- (c) All outdoor lighting used for security purposes shall be shielded and downward facing;
- (d) Immediately halt cultivation activities and implement section 7050.5 of the Health and Safety Code if human remains are discovered;
- (e) Requirements for generators pursuant to section 8306 of this chapter;
- (f) Compliance with pesticide laws and regulations pursuant to section 8307 of this chapter;
- (g) Mixed-light license types of all tiers and sizes shall ensure that lights used for cultivation are shielded from sunset to sunrise to avoid nighttime glare.

Section 8305 – Renewable Energy Requirements

Beginning January 1, 2023, all indoor, tier 2 mixed-light license types of all sizes, and nurseries using indoor or tier 2 mixed-light techniques, shall ensure that electrical power used for commercial cannabis activity meets the average electricity greenhouse gas emissions intensity required by their local utility provider pursuant to the California Renewables Portfolio Standard Program, division 1, part 1, chapter 2.3, article 16 (commencing with section 399.11) of the Public Utilities Code.

Section 8306 -- Generator Requirements

Section 8307 – Pesticide Use Requirements

- (a) Licensees shall comply with all pesticide laws and regulations enforced by the Department of Pesticide Regulation.

Section 8308 – Cannabis Waste Management

Bureau of Cannabis Control

The retail sale of cannabis and/or cannabis products requires a state license from the Bureau of Cannabis Control.

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The project may also be subject to other permitting requirements of the federal and state governments, as described below.

Federal Endangered Species Act

The Federal Endangered Species Act (FESA) provides legislation to protect federally listed plant and animal species. Impacts to listed species resulting from the implementation of a project would require the responsible agency or individual to formally consult with the USFWS to determine the extent of impact to a particular species. If the USFWS determines that impacts to a federally listed species would likely occur, alternatives and measures to avoid or reduce impacts must be identified.

State Water Resources Control Board

The project may require issuance of a water rights permit for the diversion of surface water or proof of enrollment in, or an exemption from, either the SWRCB or RWQCB program for water quality protection.

California Department of Fish and Wildlife

Lake or Streambed Alteration

Pursuant to Division 2, Chapter 6, Sections 1600–1602 of the California Fish and Game Code, CDFW regulates all diversions, obstructions, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake that supports fish or wildlife. CDFW defines a “stream” (including creeks and rivers) as “a body of water that flows at least periodically or intermittently through a bed or channel having banks and supports fish or other aquatic life. This includes watercourses having surface or subsurface flow that supports or has supported riparian vegetation.” CDFW’s definition of “lake” includes “natural lakes or man-made reservoirs.” CDFW jurisdiction within altered or artificial waterways is based upon the value of those waterways to fish and wildlife.

If CDFW determines that a project may adversely affect existing fish and wildlife resources, a Lake or Streambed Alteration Agreement (SAA) is required. An SAA lists the CDFW conditions of approval relative to the proposed project, and serves as an agreement between an applicant and CDFW for a term of not more than 5 years for the performance of activities subject to this section.

California Endangered Species Act

The California Endangered Species Act (CESA) ensures legal protection for plants listed as rare or endangered, and wildlife species formally listed as endangered or threatened. The state also maintains a list of California Species of Special Concern (SSC). SSC status is assigned to species that have limited distribution, declining populations, diminishing habitat, or unusual scientific, recreational, or educational value. Under state law, CDFW is empowered to review projects for their potential to impact special-status species and their habitats. Under the CESA, CDFW reserves the right to request the replacement of lost habitat that is considered important to the continued existence of CESA protected species.

M e m o r a n d u m

8/10/2020

Date: July 14, 2020

Governor's Office of Planning & Research

Jul 17 2020

To: Templeton Area

STATE CLEARINGHOUSEFrom: **DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**
Special Projects Section

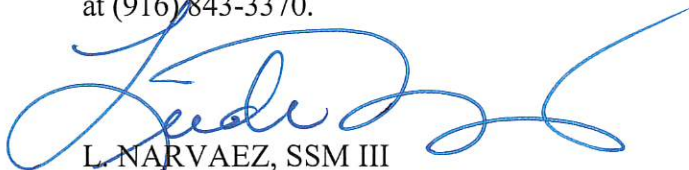
File No.: 063.A10212.A14585.Noc.Doc

Subject: ENVIRONMENTAL DOCUMENT REVIEW AND RESPONSE
SCH# 2020040333

Special Projects Section (SPS) recently received the referenced "Notice of Completion" environmental impact document from the State Clearinghouse (SCH).

Due to the project's geographical proximity to the Templeton Area, please use the attached checklist to assess its potential impact to local Area operations and public safety. If it is determined that departmental input is advisable, your written comments referencing the above SCH number must be sent to the lead agency and emailed to state.clearinghouse@opr.ca.gov. Your written comments must be received by SCH no later than **August 10, 2020**. For reference, additional information can be found in General Order 41.2, Environmental Impact Documents.

For project tracking purposes, SPS must be notified of Templeton Area's assessment of the project (including negative reports). Please e-mail a copy of Area's response to Associate Governmental Program Mary Uhazi at muhazi@chp.ca.gov. For questions or concerns, please contact Ms. Uhazi at (916) 843-3370.



L. NARVAEZ, SSM III
Commander

Attachments: Checklist
Project File

cc: Coastal Division



Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P. O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH # **2020040333****Project Title:** DRC2019-00042 Copper Creek Farms. Minor Use PermitLead Agency: County of San Luis ObispoContact Person: Eric HughesMailing Address: 976 Osos Street, Room 300Phone: (805)781-1591City: San Luis ObispoZip: 93408-2040County: San Luis Obispo**Project Location:** County: San Luis Obispo City/Nearest Community: community of TempletonCross Streets: Neal Springs Road x South River RoadZip Code: 93446Lat. / Long.: 35° 34' 47.2" N/ 120° 38' 21.6" WTotal Acres: 54Assessor's Parcel No.: 020-301-010

Section: _____

Twp.: _____

Range: _____

Base: _____

Within 2 Miles: State Hwy #: _____ Waterways: Huerfuerro Creek, unnamed tributaries

Airports: _____

Railways: _____

Schools: _____

Templeton Unified School District.**Document Type:**

CEQA:

☐ NOP☐ Draft EIR

NEPA:

☐ NOI

Other:

☐ Joint Document☐ Early Cons☐ Supplement/Subsequent EIR☐ EA☐ Final Document☐ Neg Dec☐ (Prior SCH No.)☐ Draft EIS☐ Other _____☒ Mit Neg Dec☐ Other _____☐ FONSI**Local Action Type:**☐ General Plan Update☐ Specific Plan☐ Rezone☐ Annexation☐ General Plan Amendment☐ Master Plan☐ Prezone☐ Redevelopment☐ General Plan Element☐ Planned Unit Development☒ Use Permit☐ Coastal Permit☐ Community Plan☐ Site Plan☐ Land Division (Subdivision, etc.)☐ Other _____**Development Type:**☐ Residential: Units _____

Acres _____

☐ Water Facilities: Type _____

MGD _____

☐ Office: Sq.ft. _____

Acres _____

Employees _____

☐ Transportation: Type _____☐ Commercial: Sq.ft. _____

Acres _____

Employees _____

☐ Mining: Mineral _____☐ Industrial: Sq.ft. _____

Acres _____

Employees _____

☐ Power: Type _____

MW _____

☐ Educational _____☐ Waste Treatment: Type _____

MGD _____

☐ Recreational _____☐ Hazardous Waste: Type _____☒ Other: Cannabis Activities**Project Issues Discussed in Document:**☒ Aesthetic/Visual☐ Fiscal☐ Recreation/Parks☒ Vegetation☐ Agricultural Land☐ Flood Plain/Flooding☐ Schools/Universities☐ Water Quality☒ Air Quality☐ Forest Land/Fire Hazard☐ Septic Systems☐ Water Supply/Groundwater☐ Archeological/Historical☐ Geologic/Seismic☐ Sewer Capacity☐ Wetland/Riparian☒ Biological Resources☐ Minerals☐ Soil Erosion/Compaction/Grading☒ Wildlife☐ Coastal Zone☐ Noise☐ Solid Waste☐ Growth Inducing☐ Drainage/Absorption☐ Population/Housing Balance☐ Toxic/Hazardous☐ Land Use☐ Economic/Jobs☐ Public Services/Facilities☐ Traffic/Circulation☒ Cumulative Effects☒ Other Energy**Present Land Use/Zoning/General Plan Designation:**Agriculture**Project Description:** *(please use a separate page if necessary)*

See Attached

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X".
If you have already sent your document to the agency please denote that with an "S".

<input checked="" type="checkbox"/> Air Resources Board	<input type="checkbox"/> Office of Emergency Services
<input type="checkbox"/> Boating & Waterways, Department of	<input type="checkbox"/> Office of Historic Preservation
<input type="checkbox"/> California Highway Patrol	<input type="checkbox"/> Office of Public School Construction
<input type="checkbox"/> CalFire	<input type="checkbox"/> Parks & Recreation
<input checked="" type="checkbox"/> Caltrans District # 5	<input type="checkbox"/> Pesticide Regulation, Department of
<input type="checkbox"/> Caltrans Division of Aeronautics	<input type="checkbox"/> Public Utilities Commission
<input type="checkbox"/> Caltrans Planning (Headquarters)	<input checked="" type="checkbox"/> Regional WQCB # 3
<input type="checkbox"/> Central Valley Flood Protection Board	<input type="checkbox"/> Resources Agency
<input type="checkbox"/> Coachella Valley Mountains Conservancy	<input type="checkbox"/> S.F. Bay Conservation & Development Commission
<input type="checkbox"/> Coastal Commission	<input type="checkbox"/> San Gabriel & Lower L.A. Rivers and Mtns Conservancy
<input type="checkbox"/> Colorado River Board	<input type="checkbox"/> San Joaquin River Conservancy
<input type="checkbox"/> Conservation, Department of	<input type="checkbox"/> Santa Monica Mountains Conservancy
<input type="checkbox"/> Corrections, Department of	<input type="checkbox"/> State Lands Commission
<input type="checkbox"/> Delta Protection Commission	<input type="checkbox"/> SWRCB: Clean Water Grants
<input type="checkbox"/> Education, Department of	<input type="checkbox"/> SWRCB: Water Quality
<input type="checkbox"/> Energy Commission	<input type="checkbox"/> SWRCB: Water Rights
<input checked="" type="checkbox"/> Fish & Game Region # 4	<input type="checkbox"/> Tahoe Regional Planning Agency
<input checked="" type="checkbox"/> Food & Agriculture, Department of	<input type="checkbox"/> Toxic Substances Control, Department of
<input type="checkbox"/> General Services, Department of	<input type="checkbox"/> Water Resources, Department of
<input type="checkbox"/> Health Services, Department of	<input type="checkbox"/> Other _____
<input type="checkbox"/> Housing & Community Development	<input type="checkbox"/> Other _____
<input type="checkbox"/> Integrated Waste Management Board	
<input type="checkbox"/> Native American Heritage Commission	

Local Public Review Period (to be filled in by lead agency)Starting Date July 10, 2020Ending Date August 9, 2020**Lead Agency (Complete if applicable):**Consulting Firm: SWCA Environmental Consultants

Applicant: _____

Address: 1422 Monterey Street, B200

Address: _____

City/State/Zip: San Luis Obispo, CA 93405

City/State/Zip: _____

Contact: Brandi Cummings

Phone: _____

Phone: 805-543-7095 x6818

Signature of Lead Agency Representative: _____

Eric Hughes

Date: July 8, 2020

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

Attachment 1 – Notice of Completion

Project Description

The proposed project is a request by **Copper Creek Farms, LLC** for a Minor Use Permit (DRC2019-00042) to establish to establish a phased cannabis cultivation operation including outdoor cannabis cultivation, indoor mixed-light cannabis cultivation, ancillary cannabis nursery, ancillary cannabis processing, and ancillary cannabis transport activities on a portion of a 54-acre parcel. The proposed project would result in the disturbance of approximately 5.7 acres and would result in less than 50 cubic yards of grading. The project would be developed in two phases and at full-buildout would include approximately 3.0 acres (130,680 square-feet [sf]) of outdoor mature cannabis cultivation canopy, a maximum of 22,000 square-feet of indoor mixed-light cannabis cultivation canopy, up to 5,000 sf of immature cannabis cultivation canopy (nursery) for use only onsite, and processing (trimming, drying, packaging) of the cannabis grown and harvested onsite. The project site is located on the north side of Neal Spring Road, approximately 2.5 miles east of the Templeton Urban Reserve Line. The project site is in the Agriculture land use category and in the El Pomar-Estrella Sub-Area of the North County Planning Area.

The project would be located within the center portion of the 54-acre property. Access to the cannabis operation would occur via an existing graded dirt driveway that connects to the property entrance via an access easement across the east side of 2210 Neal Spring Road. The access driveway would be maintained with a Class II base (crushed aggregate).

The proposed cultivation activities would be implemented in two phases as described below and summarized in Table 1. Phase 1 will include the establishment of 3 acres of outdoor cultivation canopy including 0.75 acres of walkway area within a 3.75 acre cannabis cultivation area, along with site security improvements. The cultivation area would be located in an existing plowed field near the center of the property that is currently and has historically been used to grow grain crops. The cultivation area will be planted in furrows covered with plastic to retain soil moisture and be located within temporary hoop structures. Two 320 sf shipping containers ("seatrains") would be installed near the west part of the operation for ancillary processing activities (drying, trimming, packaging) of the cannabis grown on site. New irrigation lines would be extended from existing irrigation lines that connect to an existing 5,000-gallon water tank to the north of the property near the well. Two new 5,000-gallon water tanks would be installed to serve the cultivation operation, including one for irrigation and one for fire suppression purposes. No grading or vegetation removal would be required to implement Phase 1. A six-foot-six-inch-high welded pipe and chain-link fence with privacy slats would be erected around the perimeter of the operation, including the areas proposed with Phase 2. Temporary restroom facilities (port-a-potties) and wash trailers would be provided inside the fenced cannabis operation area. A designated parking area would be located at the east end of the cultivation area, outside the fencing, on an existing graded area. The parking area would be covered with compacted base material. No electricity would be installed for Phase 1, and security cameras would run off individual solar panels.

Phase 2 would include the construction of seven (7) 3,000-sf greenhouses for indoor-mixed-light cultivation and a 5,000-sf greenhouse to be used for ancillary nursery activities. The two 320-sf shipping containers would be removed, and a 3,000-sf pre-manufactured metal building would be installed to house the processing activities. Overhead electrical service would be installed to the greenhouses and processing building via an existing PG&E easement to the west of the property. Minimal grading of less than 50 cubic yards would be required to provide vehicle access around the facilities. The greenhouses and processing building would be built on-grade and not require grading.

Table 1. Proposed Project Phases.

Phase	Project Components
Phase 1	Establishment of 3.0 acres of outdoor cannabis cultivation canopy

	Installation of two new 320-sf shipping containers ("seatrains") for temporary processing of cannabis grown onsite
	Installation of new irrigation lines
	Installation of new 6-foot fencing around the cannabis operation
	Installation of solar-powered security cameras
	Erection of temporary restroom facilities and wash trailers
Phase 2	Construction of seven new 3,000 square feet greenhouses for indoor mixed-light cannabis cultivation (21,000 square feet total)
	Construction of one new 5,000 square foot greenhouse for ancillary nursery cultivation
	Removal of the two 320-sf shipping containers and construction of a new 3,000 square-foot metal building for ancillary processing activities

The project construction period for Phase 2 would be approximately 6 months. The project would employ up to 2 full-time employees, with an average of 2 employees on site each day, and the hours of operation would be from sunrise to sunset, seven days a week. During peak harvest times, the operation could employ up to 10 additional part-time/temporary employees. The outdoor cultivation area would be harvested two times per year and the indoor mixed-light cultivation area would be harvested three times per year. The proposed ancillary nursery would be utilized to support onsite cannabis cultivation only and would not be distributed offsite. The project is expected to generate a maximum of 33 daily trips including up to 10.7 vehicle trips during the PM peak hour (4:00 PM – 6:00 PM). The project would not include sales on-site and no exterior signage is proposed.

To prevent nuisance odors from being detected off-site, the proposed outdoor cultivation area would be located a minimum of 300 feet from the property lines of the site and public right-of-way in accordance with County of San Luis Obispo (County) Land Use Ordinance (LUO) Section 22.40.050.D.3.b. In addition, each of the proposed greenhouses and the proposed processing building would be equipped with carbon scrubbers in accordance with LUO Section 22.40.050.D.8.

The property is located within the Paso Robles Groundwater Basin and is located in the Area of Sever Decline. The project would utilize an existing well located on the property and install a new 5,000-gallon water storage tank on-site. The project would result in approximately 898,488 gallons (2.76-acre-feet) of water demand annually. The subject property is not currently under a Williamson Act contract.

Ordinance Modification: The project includes a request for a modification from the parking provisions set forth in Section 22.18.050.C.1 of the County Land Use Ordinance (LUO). The type of use that is most similar to the proposed cannabis cultivation is "Nursery Specialties" With a parking requirement of one parking space per 500 square feet of floor area. The proposed greenhouse would total approximately 5,000 square feet; application of this parking standard, would require the applicant to provide 10 parking spaces. The project proposes 3 parking spaces (including 1 ADA space), and additional room for parking is available adjacent to the access driveway. An additional ADA space will be required adjacent to the processing building. Up to 2 employees may be on site at any time during a regular day, and additional area along the driveway would be available for seasonal workers; therefore, the 3 permanent spaces proposed are sufficient to meet the parking demands of the project.

Baseline Conditions. The project site is developed with a single-family residence and two storage containers. The property is currently utilized for grain production and applications have been submitted for new residential structures. On-site vegetation generally consists of non-native grassland and several mature valley oak trees.

Surrounding land uses include active agricultural crops (vineyards) and scattered rural residential dwellings. A blue line creek is mapped through the property from the east and continues west and south and is located outside the project area of disturbance.

**ENVIRONMENTAL IMPACT REPORT
EVALUATION/RESPONSE CHECKLIST
FOR AREA/SECTION**

Reference: General Order 41.2

	Action	Reference GO 41.2
<input type="checkbox"/>	Review memorandum for the due date(s).	
<input type="checkbox"/>	Determine if the proposed project might impact local operations and/or public safety. Examples include: housing developments, large commercial projects, large recreational developments or expansions, landfill or quarry operations, hazardous materials storage and/or dump sites, highway construction/improvement projects, new schools, airport improvements, annexations/incorporations, off-highway vehicle facilities, and Indian gaming facilities.	Page 5
<input type="checkbox"/>	Review environmental impact documents to identify issues or concerns with possible impact to departmental operations (i.e., increased response times, enforcement, emergency services, service calls, telecommunications, public safety).	
Responses		
<input type="checkbox"/>	<u>If comments are advisable:</u>	
<input type="checkbox"/>	Correspondence should focus primarily on traffic safety, congestion, or other impacts to the CHP's mission; however, Areas shall not indicate to the lead agency that additional personnel, facilities, vehicles, etc., are a means to mitigate departmental service issues.	Page 7
<input type="checkbox"/>	Ensure the State Clearinghouse number (SCH#) is included in all correspondence.	
<input type="checkbox"/>	Comments shall be provided directly to the lead agency and emailed to State Clearinghouse at state.clearinghouse@opr.ca.gov no later than the designated due date. Provide a copy to Special Projects Section (SPS) via e-mail.	
	For project tracking purposes, SPS must be notified of Area/Section's assessment of the project. After mailing your comments to the SCH or lead agency, send a scanned copy via e-mail to SPS.	
<input type="checkbox"/>	<u>If no impact is determined:</u>	
<input type="checkbox"/>	Via e-mail, please respond "no impact to _____ Area's local operations and/or public safety by SCH# _____ was identified," by the designated SCH due date to the SPS analyst listed on the Environmental Document Review and Response memorandum. Ensure the SCH# is included.	

Planning Department Hearing



Copper Creek Minor Use Permit DRC2019-00042

www.slocounty.ca.gov

Project Description

Minor Use Permit to allow for the phased development of a cannabis cultivation operation and ancillary activities on a 54-acre.

- 3.0 acres of outdoor cannabis cultivation canopy
- 22,000 sf of mixed-light (indoor) cannabis cultivation canopy
- 5,000 sf of immature cannabis cultivation (ancillary nursery)
- Ancillary processing activities including trimming, drying, and packaging within temporary and permanent structures
- Modification to reduce the required number of parking spaces from 55 to 3



COUNTY OF SAN LUIS OBISPO

Copper Creek MUP
DRC2019-00042

Project Phasing

Phase	Project Components
Phase 1	Establishment of 3.0 acres of outdoor cannabis cultivation canopy
	Installation of two new 320-sf shipping containers ("seatrains") for temporary processing of cannabis grown onsite
	Installation of new irrigation lines
	Installation of new 6-foot fencing around the cannabis operation
	Installation of solar-powered security cameras
	Erection of temporary restroom facilities and wash trailers
Phase 2	Construction of seven new 3,000 square feet greenhouses for indoor mixed-light cannabis cultivation (21,000 square feet total)
	Construction of one new 5,000 square foot greenhouse for ancillary nursery cultivation
	Removal of the two 320-sf shipping containers and construction of a new 3,000 square-foot metal building for ancillary processing activities



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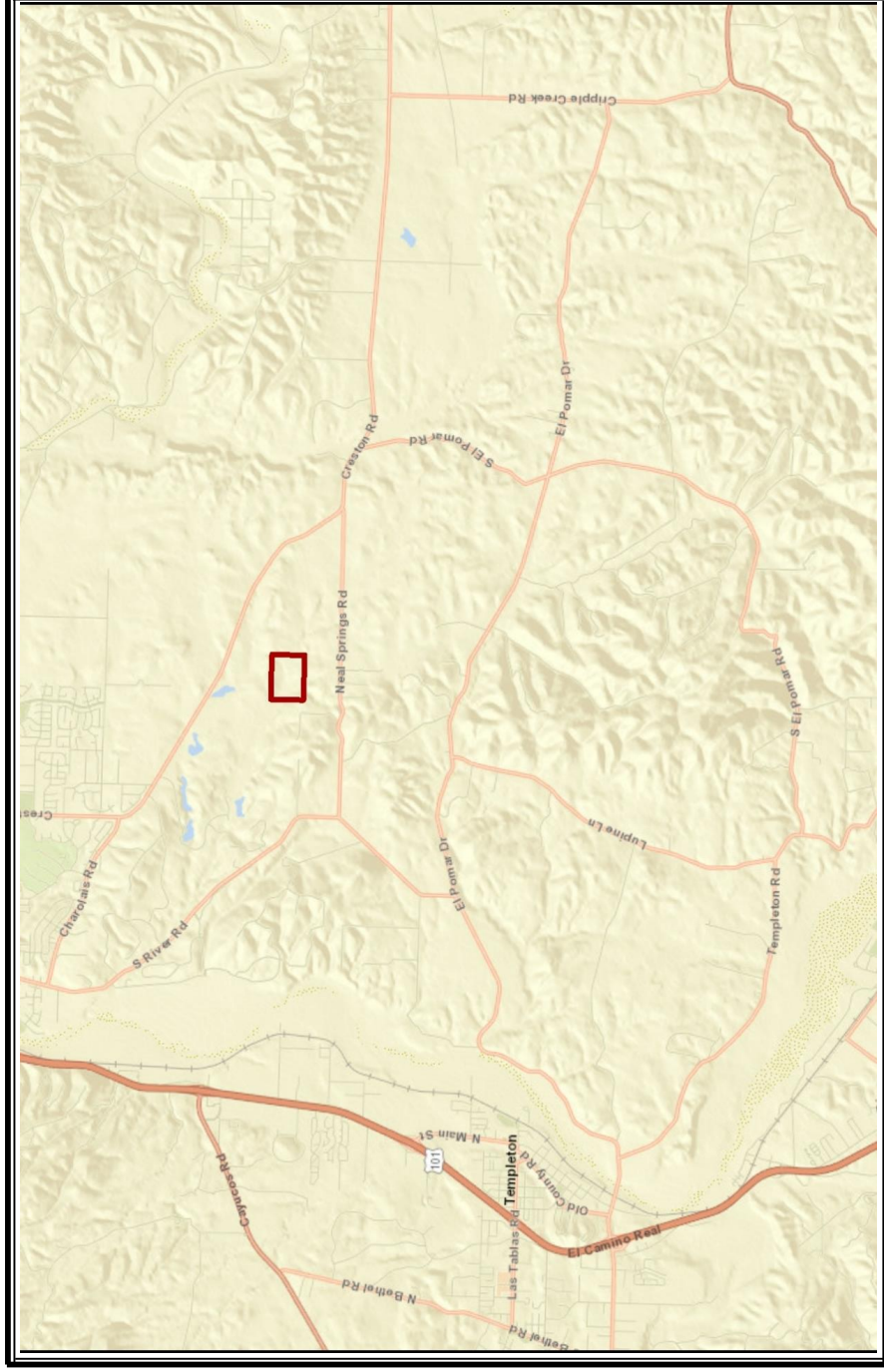
Project Operation

- Employees: 2 with up to 10 additional seasonal employees
- Hours of Operation: sunrise-sunset
- Harvests: outdoor cultivation – 2x per year
indoor cultivation – 3x per year
- 8 daily trips
- No onsite sales
- Water use: 5.28 AFY in the PRGWB



COUNTY OF SAN LUIS OBISPO

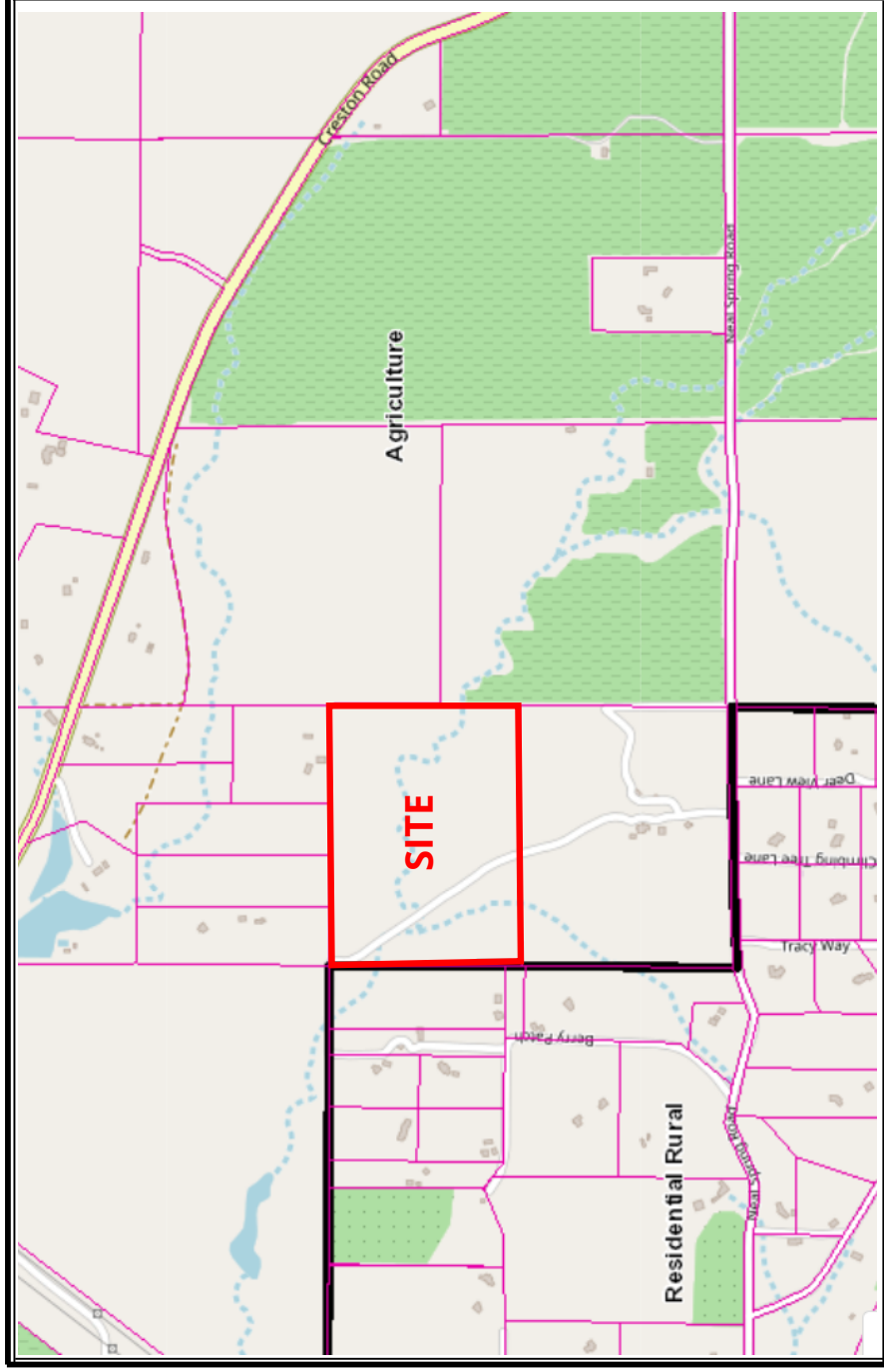
Copper Creek MUP
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Vicinity Map
DRC2019-00042

COUNTY OF SAN LUIS OBISPO





Land Use Category Map
DRC2019-00042

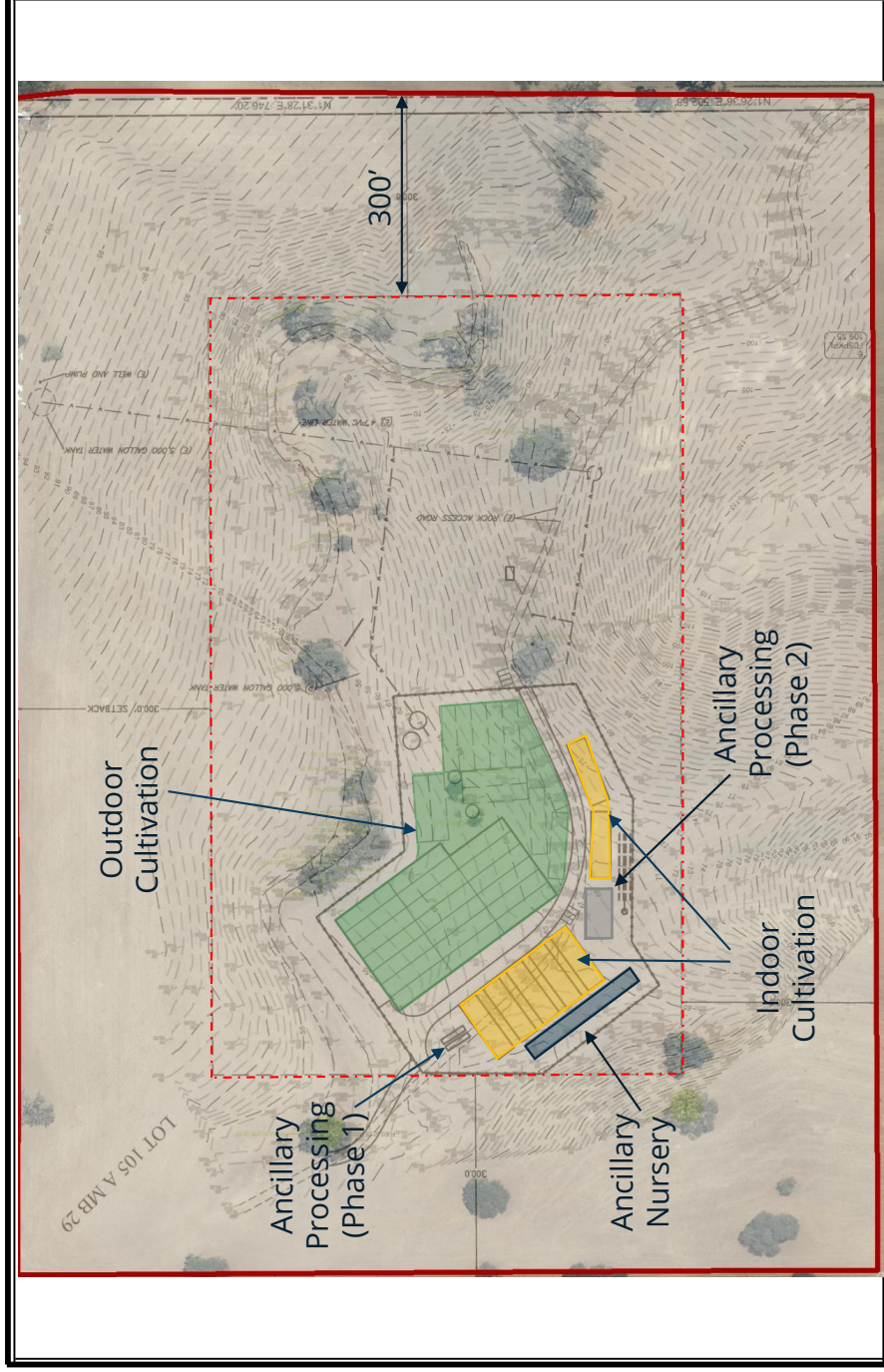


COUNTY OF SAN LUIS OBISPO



COUNTY OF SAN LUIS OBISPO

Aerial
DRC2019-00042



COUNTY OF SAN LUIS OBISPO

Site Plan
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COUNTY OF SAN LUIS OBISPO

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Land Use Ordinance Standards for Cannabis Activities

Standard	Proposed	Consistent?
Property Location	More than 1,000 ft from sensitive receptor locations and more than 100 feet from any existing offsite residence	Yes
Setbacks	Outdoor cultivation at least 300 feet from property lines	Yes
Setbacks	Indoor cultivation and nursery (front – 80 feet, side and rear – 100 feet)	Yes
Security Plan	Chain link fencing, motion lighting, security cameras, and electronic gates	Yes, as conditioned
Odor Management	Setback distances and use of odor mitigation (carbon scrubber or equivalent technology) systems	Yes, as conditioned



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Neighborhood Compatibility

- The area surrounding the proposed project area is currently used for agricultural purposes and supports scattered rural residences.
- The project complies with LUO 22.40.50.D.3 which requires a minimum of a 300-foot setback from the property line.
- The project would be screened from public viewing in accordance with LUO 22.40.050.D.6.
- The project would prevent nuisance odors from disturbing surrounding areas through the use of carbon scrubbers in accordance with LUO 22.40.050.D.8.
- Noise from the project is expected to stay below 65 db during project operation therefore would not surpass a county identified level of significance.



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Environmental Determination

- Mitigated Negative Declaration prepared pursuant to CEQA Guidelines Section 15070(b).
- Mitigation measures to address potentially significant impacts related to:
 - Aesthetics
 - Air Quality
 - Biological Resources
 - Energy
 - Greenhouse Gas Emissions
 - Hydrology and Water quality
 - Land Use and Planning
 - Utilities and Service Systems
 - Mandatory Findings of Significance



COUNTY OF SAN LUIS OBISPO

Copper Creek MUP
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Agency Comments

Agency	Comment
Department of Public Works	<p>recommended conditions of approval:</p> <ul style="list-style-type: none"> • address project related drainage and stormwater impacts • site access and excessive driveway connections.
Agricultural Commissioner's Office	<p>noted that the project would be located near vineyards that use pesticides that Cannabis cultivation are tested for by California law to ensure there are no pesticide residues above the established tolerance levels.</p>
Air Pollution Control District	<ul style="list-style-type: none"> • Rule 501 prohibits developmental vegetative burning in San Luis Obispo County • if the site leads to an increase of 11 or more vehicle trips per day, PM₁₀ mitigation measures should be implemented. • Nuisance odors
Assessor's Office	<p>the Assessor's Office notes that any copy of any leases (ground, greenhouse, etc.) or production sharing agreements related to "cannabis Activities" should be shared with the Assessor's office</p>



COUNTY OF SAN LUIS OBISPO

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Agency Comments

Agency	Comment
Building Department	reviewed the project and identified standard building code requirement
Environmental Health	the project applicant shall complete and submit a Hazardous Materials Declaration Flowchart
Cal Fire	Conditions related to access, water storage, sprinkler systems, vegetation clearing, and hazard reduction
Northern Chumash Tribal Commission	requests to see the records search for the property and any other archaeological report for the property



COUNTY OF SAN LUIS OBISPO

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Recommendation

- Adopt the Mitigated Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq.
- Approve DRC2019-00042 based on the findings in Exhibit A and the conditions in Exhibit B



COUNTY OF SAN LUIS OBISPO

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Questions?



COUNTY OF SAN LUIS OBISPO

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